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15 Jan 1902
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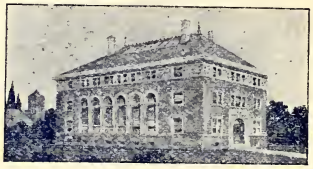
No. 22400

Established 1867. New Charter 1892.

ACCESSION NO. 22400



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CHARTERS

OF THE

VILLAGE OF CLEVELAND,

AND THE

CITY OF CLEVELAND,

WITH THEIR

SEVERAL AMENDMENTS:

TO WHICH ARE ADDED THE

LAWS AND ORDINANCES

OF THE

CITY OF CLEVELAND.

PUBLISHED BY ORDER OF THE CITY COUNCIL.

CLEVELAND:
HARRIS, FAIRBANKS & CO., DAILY HERALD JOB OFFICE.
1851.

Entered
15 Nov. 1902
80 B 5
No. 22400

NOTE.

Resolved, That the City Clerk be, and he is hereby authorised to publish in the form of a book, the charter of our city with the several amendments; also all the laws and ordinances now in force, for the use of its officers and citizens at an expense not to exceed $125.

The present arrangement of the charter and ordinances of the City of Cleveland has been prepared in pursuance of the above resolutions passed by the City Council on the 4th day of May 1851.

RULES AND ORDERS

OF THE

CITY COUNCIL OF THE CITY OF CLEVELAND.

1. The presiding officer shall take the chair at every meeting, at the hour to which the Council shall have adjourned, and shall immediately call the members to order, and on appearance of a quorum, shall cause the journal of the preceeding meeting to be read.

2. He shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council by any two members.

3. He shall examine and correct the journal before the same is read.

4. He shall appoint all Committees, unless otherwise directed by the Council, in which case the same shall be chosen by ballot.

5. He may, three members concurring, send for absent members ; and a written order therefor, directed to the Marshal, or in his absence, to any person who will serve the same, shall authorise the arrest and the bringing of such absent member to the council chamber.

6. After the journal is read, the presentation of petitions shall be first in order ; the reports of standing committees second in order ; the reports of select committees third in order ; after which resolutions may be offered and considered, appointments of officers made, business on the table taken up, as the council shall direct.

7. Every member present when a question is put, shall vote, unless excused by the council.

8. Every motion shall be reduced to writing, if the presiding officer, or any member of the council, require it.

9. When a member is about to speak, he shall rise and address the presiding officer, and no member shall pass before the speaker or interrupt him, except to call to order.

10. Any member may call for a division of the question, or the presiding officer may direct the same, and the same, in either case, shall be divided, if it comprehends questions

so distinct that one being taken away the other will stand an entire question for decision.

11. The first reading of any bill proposed to be enacted into a law or ordinance of the city, shall be for information, and the same may be subject to amendment, commitment to a standing committee, postponed, laid on the table, or ordered to be engrossed for its final passage, as the council shall direct ; and when the same is ordered to be engrossed the council shall direct the time when the question on its passage shall be taken.

12. The largest sum and longest time shall be first put, in cases where different sums, or different times, are named by any member.

13. A motion to reconsider a vote on any question, shall not be in order after one meeting of the council has intervened between the decision and the time of making the motion to reconsider.

14. A motion to adjourn shall always be in order, except when a member is speaking.

15. Any member of the council may call for the yeas and nays on any question.

AN ACT

TO INCORPORATE

THE VILLAGE OF CLEVELAND,

IN THE COUNTY OF CUYAHOGA.

PASSED DECEMBER 23, 1814.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the city plat of Cleveland, in the township of Cleveland, and county of Cuyahoga, as lies northwardly of Huron street, so called, and westwardly of Erie street, so called, in said city plat, as originally laid out by the Connecticut Land Company, according to the minutes of the survey and map thereof, now on record in the office of the recorder in said county of Cuyahoga, shall be and the same is hereby erected into a village corporate, henceforth to be known and distinguished by the name of "The Village of Cleveland," subject however to such alterations as the legislature may from time to time think proper to make. Boundaries of the corporation.

§2. *Be it further enacted*, That for the better regulation and government of said village, it shall be lawful for the electors who shall have been resident in said village for one year, next preceeding the time or times of holding elections hereinafter mentioned, to meet on the first Monday in June next, and on the first Monday in June annually, thereafter, and elect by ballot a president, recorder, three trustees, a treasurer, village marshal, and two assessors, each of whom at the time of his election, shall be a freeholder or householder in said village, and have been a resident therein one year next preceeding said election; and each of said officers shall, within five days after being notified of his election, take an oath or affirmation before some person authorised to administer the same, faithfully to discharge the duties of his office, and shall hold such office for one year, and until his successors shall be elected and qualified. Annual elections, when holden. Number & qualifications of officers.

§3. *Be it further enacted*, That the first election under the provisions of this act, shall be held at the court-house, in said village, and all subsequent elections at such place Where and at what hours elections to be holden.

as the president shall direct, and all such elections shall be opened between the hours of 12 and 1 o'clock P. M. and closed at 4 P. M. At the first election two judges and a clerk shall be appointed viva voce, by the electors present, who shall severally take an oath or affirmation faithfully to discharge the duties of their respective offices ; and at all subsequent elections the president and trustees, or any two of them who shall be present, shall be judges, and the recorder, clerk of the election ; at the close of the poll the ballots shall be counted by the judges of the election, and a statement of the votes publicly declared ; a fair record thereof shall be made by the clerk, who shall notify each of the persons so elected of his election, within five days thereafter ; and it shall be the duty of the president, at least five days before the time of holding the election in each year, after the first election, to set up notice of the time and place of holding such election, in three of the most public places in said village.

Manner of conducting elections

Style of the corporation.

§4. *Be it further enacted,* That the president, recorder and trustees, and their successors in office, so as aforesaid elected and qualified, shall be a body politic and corporate, to be known and distinguished by the name of "The Trustees of the Village of Cleveland ;" and by the name aforesaid shall have perpetual succession, with the capacity to purchase, receive, hold and convey any estate, real or personal, for the use of said village : *Provided,* That the clear annual income of said estate shall not exceed five thousand dollars ; and shall be also capable of suing and being sued, pleading and being impleaded, in any action in any court within this state ; and when any action or suit shall be commenced against said corporation, the service shall be by a proper officer leaving an attested copy of the original process with the recorder, or at his usual place of abode, at least ten days previous to the return thereof ; and the said trustees are hereby authorised to have a common seal for the use of said corporation, and the same to alter at their discretion.

May sue and be sued.

A majority of the trustees to form a quorumtomake laws.

§5. *Be it further enacted,* That the trustees, or a majority of them, whereof the president or recorder shall always be one, shall have full power and authority to make and publish such laws and ordinances in writing, and the same from time to time to alter or repeal, as to them shall seem necessary and proper for the interest, safety, improvement and convenience of said village ; *Provided always,* That all such laws and ordinances shall be consistent with the constitution and laws of the United States and of this State; *And provided also,* That no such law or ordinance shall subject horses, cattle, sheep or hogs, not belonging to said

village, to be abused, taken up or sold for coming into the bounds of said corporation ; and the president, or in case of his absence or disability, the recorder, shall have full power to administer all necessary oaths or affirmations, to hear complaints, and take cognizance of all offences committed against the laws and ordinances of said corporation, and to impose such reasonable fines on all persons so offending, as may be affixed by said laws and ordinances to the breach thereof ; to levy and cause to be collected all such fines by warrant under his hand and seal of the corporation, directed to the marshal, who shall collect the same under the regulations prescribed to constables in other cases, and shall pay over all moneys so by him collected to the treasurer, for which he shall take the treasurer's receipt.

Trustees to regulate markets, streets, &c.

§6. *Be it further enacted,* That the trustees shall have power to regulate markets, to open and cause to be kept open, the streets, lanes and alleys of said village, and to repair and improve the same, to remove nuisances, to prevent any animals belonging to the inhabitants of said village, from running at large in the streets, if in their opinion the interest and convenience of said village shall require such prohibition ; to erect and keep in repair such public buildings or other works of public utility as may be deemed necessary or useful ; and the trustees shall also have power to fill all vacancies which may happen between the annual elections in any of the offices herein established, which appointments shall continue until the next annual election, and until the officers elected shall be duly qualified ; and said trustees are hereby authorized to appoint such subordinate officer or officers as they may think necessary ; to affix to the offices of recorder, marshal, and assessor, such fees and impose such fines for refusing to accept any office of the corporation, or for neglect or misconduct therein, as to them may seem proper : *Provided,* No fine for refusing to accept any office as aforesaid, shall in any case exceed ten dollars.

And to fill vacancies, appoint officers, &c.

New streets may be opened on petition.

§7. *Be it further enacted,* That upon the petition of twelve freeholders or householders, residents in said village, and having the qualifications of electors therein, praying for the establishment of any new street or streets in said village, describing the same, the trustees shall have power to lay out, establish and open such new street or streets so prayed for, and cause a full and complete record thereof to be made and kept by said recorder : *Provided,* That notice of bringing said petition shall have been given for three weeks successively in some newspaper printed nearest said village, at least thirty days before bringing said petition ; *And provided also,* That no street or streets

Proviso as to notice.

Further proviso.

shall be laid out or established across any ground occupied by any building or buidings, so as to cut off or include any such building or buildings, or any part thereof, which shall have been erected or begun to be erected on said ground previous to notice of such petition being given as aforesaid.

See amendment passed 1833.

Persons injured by new street how to proceed.

§8. *Be it further enacted,* That if any person or persons shall think himself, herself, or themselves, injured or aggrieved by the laying out or establishing of such street or streets across his her, or their land, such person or persons may, within thirty days thereafter, make out, in writing, and deposite with the recorder, his, her, or their claim for damages sustained by the laying out or establishing of said street or streets, stating the amount thereof, and the numbers of the lots on which the damage is alleged to have been sustained, and if the trustees shall fail within ten days thereafter, to pay or satisfy said claims, such person or persons claiming such damage may make application, in writing, to the sheriff of the county, whose duty it shall be, within three days after receiving such application, to cause the damage, so as aforesaid claimed, to be appraised by three judicious, disinterested freeholders of the vicinity, not residing in said corporation, who, in appraising the damages, shall take in toconsideration the advantages resulting from laying out such street or streets, to the lot or lots on which such damage is alleged to have been sustained, which said appraisal of damages shall be made out, in writing, signed by the said appraisers, and a copy thereof lodged with the recorder, or at his usual place of abode, within three days after making such appraisal ; and if said trustees shall refuse or neglect to pay the damages so assessed, to the person or persons so as aforesaid claiming and entitled to the same, within ten days after said appraisal is lodged with the recorder as aforesaid, said damages being demanded, or if the person or persons claiming such damage shall think himself, herself, or themselves aggrieved by said appraisal, he, she, or they may institute his, her or their suit for the damages so as aforesaid claimed in the court of common pleas in and for the county in which such village is situated, or before any court in the State of Ohio having jurisdiction thereof, against said trustees, and upon the trial thereof the court or jury shall be governed by the same rule in assessing the damage alleged to have been sustained, that is above prescribed for the government of the appraisers ; and if the trustees shall fail to pay the judgement rendered in such suit, with the costs taxed by the said court, within thirty days thereafter, the street or streets, by the laying out of which the damages so ad-

judged shall have been sustained, shall be vacated, and said trustees shall, nevertheless, be liable to pay the costs of such suit, so as aforesaid taxed against them, provided that if such person or persons commencing such suit shall recover a less sum than shall have been tendered to him, her or them, by said trustees, previous to commencing such suit, such person or persons shall not recover costs, but costs shall be taxed against him, her, or them, and either party shall be allowed an appeal as in other cases.

Taxes, when and on what objects to be levied.

§9. *Be it further enacted*, That the trustees (when in their opinion it may be expedient) shall have power, in the month of July, annually, to lay a tax within said village, for the use of said corporation, on all city or village lots within said corporation, and all other property subject to taxation for county purposes, provided no tax on improved real property shall exceed one per centum on the value, and the tax shall be levied on lots or other property in proportion to the value of such property, which value it shall be the duty of the assessors, so as aforesaid elected and sworn, to estimate, and deposite with the recorder a statement thereof, in writing, on or before the fifteenth day of July in each year, if thereunto by the trustees required and notified fifteen days before the time herein specified for depositing such statement.

Taxes, by whom and in what manner collected.

§10. *Be it further enacted*, That the marshal shall be the collector of the tax assessed as aforesaid, and is hereby authorised and required to collect and pay over to the treasurer all such sums of money as shall be assessed as aforesaid, for the use of said corporation, within three months from the time of receiving a duplicate thereof, and the treasurer's receipt shall be his voucher upon his settlement with the trustees, which settlement shall be when thereunto by said trustees required after the expiration of the three months aforesaid ; and the marshal shall have power to make distress and sale of the personal property of any person charged with any tax as aforesaid, to satisfy said tax, if the same shall remain unpaid, giving ten days personal notice before making such distress, and also give ten days notice previous to making sale of any personal property by advertisements in three of the most public places in said village ; and if the tax on any lot or lots, on which no personal property can be found, shall remain unpaid two months after the expiration of the three months allowed for the collection of taxes, above specified, the marshal shall give notice in some newspaper published in or nearest to said village, of the amount of said tax and the number of the lot or lots on which it is charged, and if said tax shall remain unpaid two months from the date of such

Personal property, may be sold for taxes.

Lots may be sold when no personal property can be found.

advertisement, the marshal may proceed to sell, at public vendue, so much of said lot or lots as will discharge the same, taking the part sold in such manner as will include the same distance on the back as on the front line of the lot, and the marshal is hereby authorised to execute a deed or deeds, of such lots or parts of lots, as may be so sold, which shall convey to the purchasers all such title as the person in whose name such lot or lots were taxed had to the same, subject to such right of redemption in the case of persons insane, or of feme coverts or minors, as is allowed in cases of lands sold for taxes under the laws of this State.

Duty of Recorder.

§11. *Be it further enacted,* That it shall be the duty of the recorder to make and keep a true and accurate record of all laws and ordinances made and established, of streets laid out by the trustees, and of all their proceedings in their corporate capacity, which records shall at times be open to the inspection of every elector in said village ; and in case of the absence or disability of the president, the recorder is hereby authorised and required to do and perform all the duties required of said president ; the same person may perform the duties of a trustee and assessor, if elected to both offices.

Appeals allowed to court of common pleas.

§12. *Be it further enacted,* That if any person or persons shall think himself, herself, or themselves, aggrieved by any act or judgment of the trustees, it shall be lawful for such person or persons, within ten days to appeal to the court of common pleas for the proper county, who shall hear such causes and or complaints, and grant such relief as to them may appear necessary and proper : *Provided,* Such appellant give security, to be approved of by the clerk of the court to prosecute such appeal to effect and abide the judgement of the court thereon.

Corporation to have the use of the county jail.

§13. *Be it further enacted,* That the corporation shall be allowed the use of the county jail for the confinement of such persons as by any law of the corporation may be subject to imprisonment, but no person shall be imprisoned under the athority of the corporation except for the non payment of fines and penalties assessed or imposed on them : *Provided,* No person shall be imprisoned more than twelve hours, for one offence, and all persons so imprisoned shall be under the charge of the sheriff of the county.

Proviso.

Duty of the Treasurer.

§14. *Be it further enacted,* That the treasurer shall pay over all monies by him received, to the order of the trustees, and shall, when required, submit his accounts and vouchers to their inspection, and the marshal and treasurer

shall, before they enter upon the duties of their respective offices, give bond with security, to the trustees, to be approved of by them, and lodged with the recorder, conditioned for the faithful discharge of the duties of their respective offices.

This act to take effect, and be in force, from and after the first Monday in June next.

SYNOPSIS OF THE AMENDMENTS

TO THE CHARTER OF

THE VILLAGE OF CLEVELAND.

An act to vacate a part of the city plat of Cleveland, in the county of Cuyahoga.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That all that part of the city plat and out lots of the city of Cleveland, so called, as originally laid out by the Connecticut Land Company, wnich is not included within the limits of the corporation of the village of Cleveland, as specified in the "Act to incorporate the village of Cleveland, in the county of Cuyahoga," passed the twenty-third day of December, eighteen hundred and fourteen, be and the same is hereby declared to be vacated ; and shall not be subject hereafter to taxation, as town and out lots, for county purposes : *Provided,* Nothing in this act shall be so construed as to confirm or invalidate any existing legal rights of the said Connecticut Land Company, in and to the said plat or out lots ; or to confirm or invalidate any legal right heretofore acquired to any of the said out lots by any person or persons whatever ; but all such rights shall exist, be adjudicated and decided upon, as if this act had never been passed.—Passed January 31, 1815.

An act to prevent certain nuisances, &c.

Killing swine prohibited.

This was an Act restraining persons from slaughtering swine within the limits of the village corporation, unless licensed by the trustees.—Passed January 29, 1827.

An Act to incorporate the Cleveland Pier Company.

Pier company incorporated 1815.

This Company, consiting of Daniel Kelley, Levi Johnson, and others, was created "a body corporate and politic, with perpetual succession, to construct a Pier or Harbor, Wharves and Ware-Houses, on the south border of Lake Erie, at the village of Cleveland."—Passed December 23, 1815.

An Act to amend the Act entitled "An Act to incorporate the Village of Cleveland in Cuyahoga county."

Alteration of boundaries.

The material part of this Act amended the boundaries of the village, and declared it to be bounded on the east by Erie street, on the south by Huron street, on the west

down the river from Huron street to a point twelve rods below the junction of Vineyard Lane with the county road leading from Cleveland to Brooklyn, to the Cuyahoga river ; thence down the river to its mouth ; and on the north by Lake Erie.—Passed Dec. 31, 1829.

An Act further to amend an Act to incorporate the village of Cleveland.

Tax undivided lands.

This was an Act authorising the village trustees to tax any lands subject to taxation under the laws of the State, not subdivided and numbered into lots upon the recorded plat of said village : *Provided,* Said trustees caused a draft or plat of such property to be recorded in the office of the village recorder, before any tax was assessed on such lands not previously known, distinguished, subdivided and numbered as aforesaid. Said trustees were also invested with powers to make a new description or plat whenever they deemed it necessary, &c.—Passed March 9, 1831.

An Act still further to amend an Act to incorporate the village of Cleveland.

Groceries.

This law is confined to licensing groceries; and the power is delegated to the trustees to license groceries on petition of twelve householders. The whole law is embodied in six sections.—Passed Feb. 25, 1833.

An Act for the protection the village of Cleveland from the encroachments of the Lake.

Lake shore to be protected.

§1. Trustees are invested with power to levy a tax upon all the lands within the limits of the corporation, to protect that part of the village which is contiguous to Lake Erie.

Court to appoint assessors.

§2. The court of common pleas were, upon application of the trustees, to appoint three freeholders, non-residents of the city, to assess a discriminating tax.

Tax not to exceed $4,000 per year.

§3. The trustees were then to levy and collect the taxes, as other taxes were collected: *Provided,* however, said tax so levied did not exceed $4,000 for any one year

To borrow money.

§4. The legislature reserved the power to alter, amend or repeal this act at any time; and further provided, that the trustees be empowered to borrow any sum, on the credit of the village, not exceeding the tax of the current year.—Passed Feb. 18, 1834.

An Act to amend an Act entitled "An Act incorporating the village of Cleveland.

Boundaries altered.

§1. The boundaries of the village are again changed, and all former Acts so amended as to bound the village on the east by the east line of the two acre lots ; on the south by the south line of the two acre lots ; on the west by the

middle of the Cuyahoga river to its mouth, and on the north by Lake Erie ; with a proviso attached, that "Case's point" be exempt from the operation of the act until the first day of January, 1835.

Road Tax paid to Co. Treasurer.

§2. The taxes levied for road purposes are repuired to be paid in money to the county treasurer, and by the county treasurer to the village treasurer : and all poll taxes are to be expended upon the roads under the direction of the trustees.

Grading Tax.

§3. The trustees are invested with power to grade and level or pave any street, side or cross walks within the village, the expenses of which was to be borne by the whole city, *pro rata*, according to the benefits thereto. The trustees appoint five freeholders to assess the benefits and costs of such projected improvements, and in case the estimate exceeded or fell short of the expense of the improvement contemplated, then the trustees had power to add or deduct proportionably to the individual assessment. The assessment roll was then filed in the recorder's office, and four weeks notice given of the same in the public papers of the village.

Paving sidewalks.

§4. Owners of land were. on the order of the trustees, required to pave their sidewalks ; and on neglecting so to do, the trustees were invested with power to cause the paving to be done, and collect the expense thereof by action of debt, or by assessment in the manner authorised in the last section.

Appeal.

§5. Appeal was had from these two last sections to the court of common pleas : *Provided,* There was any inconformity in the proceedings required by the act, and not otherwise.

§6. Provides the manner of holding future elections.—Passed Feb. 18, 1834.

An Act to amend an Act entitled "An Act to amend an Act to incorporate the village of Cleveland, Passed Feb. 18, 1834.

Grading Tax.

§1. Amends the third section of the Act of Feb. 18, 1834, so far as to appoint a Board of Equalization, whose duty it was, with the president and recorder of the village, upon the application of any person injured or aggrieved by the acts of the trustees in levying the grading tax of 1834, to examine the assessment roll of that year, and amend the same, if deemed expedient, by adding to or deducting from the same such sum or sums assessed against any owner of land such an amount as to them should appear just and equitable. The Board were also invested with power to award damages sustained by individuals in the grade of the previous year, and this award was declared by this act

to be final and conclusive upon the right of the said complainant.

§2. H. Rice, W. White and H. L. Noble constituted the Board of Equalization, or Appraisers, contemplated by this Act. Committee.

§3. Fees of appraisers.

§4. In case the Board of Appraisers died or refused to act, the trustees filled the vacancies.

§5. Pittsburgh street, so called, between Huron streets and the south line of lot 216, is vacated. Pittsburgh street vacated.

§6. Appropriation of the road tax.

§7. All streets or roads laid out on the line dividing the township of Cleveland, and the village, are required to be laid one half on the limits of the township, and the other half on the corporation limits.—Passed March 7, 1835. Township and City line.

An Act to amend an Act entitled "An Act to amend an Act to incorporate the village of Cleveland, Passed March 7, 1835.

§1. The Committee created by the Act of 1835, were authorised to assess upon the property of the village a sufficient sum to cover all expenses incurred by the grade of 1834, to be made upon the same principle of the original assesment, according to the benefit accrued to the property assessed. Grading Tax.

§2. The committee are to file the assessment roll in the office of the recorder, and give public notice thereof in a public newspaper. Duties of Appraisers.

§3. Tax to be collected by the marshal.

§4. All persons claimed to be injured by these improvements, who shall omit to present their claims to the committee, shall be deemed to have waived the same.—Passed Dec. 17, 1835. When claimant is barred.

AN ACT.

TO INCORPORATE

THE CITY OF CLEVELAND,

IN THE COUNTY OF CUYAHOGA.

PASSED MARCH, 1836.

Boundaries.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the county of Cuyahoga as is contained within the following bounds, viz: Beginning at low water mark, on the shore of Lake Erie, at the most northeastwardly corner of Cleveland ten acre lot No. 139, and running thence on the dividing line between lots Nos. 139 and 140, Nos. 107 and 108, Nos. 80 and 81, Nos. 55 and 56, Nos. 31 and 32, and Nos. 6 and 7, of the ten acre lots, to the south line of ten acre lots; thence on the south line of the ten acre lots, to the Cuyahoga river; thence to the centre of Cuyahoga river; thence down the same to the termination of the west pier; thence to the township line between Brooklyn and Cleveland; thence Northwardly to the County line; thence Eastwardly with said line to a point due North of the place of beginning; thence south to the place of beginning; shall be, and is hereby declared to be a city; and the inhabitants thereof are created a body corporate and politic, by the name and style of "The City of Cleveland;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and may use a corporate seal, and change the same at pleasure; and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation.

Corporate name, rights and powers.

Ward officers, how elected

§2. That the government of said city, and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a Mayor and Council, which Council shall consist of three members

from each ward, actually residing therein, and as many Aldermen as there may be wards, to be chosen from the city at large, no two of which shall reside in any one ward, and shall be denominated the City Council ; and also such other officers as are hereinafter mentioned and provided for.

First Ward.

§3. That the said City, until the City Council see fit to increase, alter or change the same, be divided into three wards, in the manner following, to wit ; The first ward shall comprise all the territory lying easterly of the center of the Cuyahoga river, and southerly of the center of Superior lane and Superior street to Ontario street, and of a line thence to the center of Euclid street, and of said last mentioned centre. The second ward shall comprise all the territory, not included in the first ward. lying easterly of the centre of Seneca street. The third ward shall include all the territory westerly of the centre of Seneca street, easterly of the westerly boundary of the city, and northerly of the center of Superior street and Superior lane.

Second Ward.

Third Ward.

Annual election when held.

§4. That the mayor, aldermen, councilmen, marshal and treasurer of said city, shall be elected by the qualified voters thereof, at the annual election of said city, to be held on the first Monday in March, and shall hold their respective offices for one year, and until their successors are chosen and qualified : it shall be the duty of the Mayor to keep the seal of said city, sign all commissions, licenses and permits, which may be granted by the city council ; to take care that the laws of the state and the ordinances of the city council be faithfully executed ; to exersise a constant supervision and control over the conduct of all subordinate officers, and to receive and to examine into all complaints against them for neglect of duty ; to preside at the meetings of the city council, when other duties shall permit ; to recommend to said council such measures as he may deem expedient ; to expedite all such as shall be resolved upon by them; and in general to maintain the peace and good order, and advance the prosperity of the city : as a judicial officer, he shall have exclusive original jurisdiction of all cases, for the violation of any ordinance of said city; and in criminal cases he is hereby vested with powers coequal with justices of the peace within the county of Cuyahoga, and shall be entitled to like fees ; and he shall award all such process, and issue all such writs, as may be necessary to enforce the due administration or right and justice throughout said city, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law; and when presiding at the meetings of the

Mayor, his powers.

In criminal cases co-equal with justice.

Fees.

Casting vote.

city council, he shall have a casting vote when the votes of the members are equal.

First meeting annual council.

Election of President.

§5. The members of the city council shall, on the second Monday after each annual election, assemble at their council chamber, or some other suitable place in said city, and elect from their own body, a president to preside in their meetings in the absence of the Mayor; and a majority of all the members shall be a quorum for the transaction of business; the city council shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen; may compel the attendance of absent members, under such penalties and in such manner as they may think fit to prescribe; and shall prescribe the place and fix the time of holding their meetings, which shall at all times be open to the public; and said council may adopt any bye-laws for their own government, not inconsistent with the provisions of this act; and in case of the absence or inability of both the mayor and president of the city council, the senior alderman present, shall for the time being, discharge the duties of either the mayor or president of the city council, as the case may require.

Bye-Laws.

When Senior Alderman acts.

City council to control property and revenues.

Powers of council.

§6. That the city council shall have the custody and control of all the real and personal estate, and other corporate property belonging to said city, its public buildings, rights and interests: and may make such orders, regulations and provisions, for the maintenance and preservation thereof, as they shall deem expedient: it shall be their duty to regulate the policy of the city, preserve the peace, prevent riots, disturbances and disorderly assemblages: they shall have authority to appoint watchmen, and prescribe fines and penalties for their delinquencies: to restrain vagrants or other persons soliciting alms or subscriptions; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; to prevent the vending of liquors, to be drank on any canal boat, or other place not duly licensed; to prevent and punish immoderate driving in any street or other highway of said city; to abate or remove nuisances; to prevent bathing in any public water within the city; to prevent the encumbering any of the streets or highways of the city, in any manner whatever; to provide for clearing the Cuyahoga river of drift wood and other obstructions, and to prevent encroachments of any kind thereon, within said city; to regulate the keeping and carrying of gunpowder and other combustible materials; to establish, alter and regulate markets; to regulate the vending of meats, vegetables and fruits, pickled and other fish, and the time and place of

Prevent Gaming &c.

To prevent vending liquor on canal boats.

Clearing river of obstructions.

Gunpowder.

selling the same; weighing and selling hay, measuring coal, cord wood and other fuel, and timber and shingles; weighing and measuring salt, lime, fish, iron and any other commodity, exposed or intended to be exposed for sale in said city; to provide for and regulate the guaging of all casks and other vessels containing liquids, sold or intended to be sold in said city; to regulate cartmen and cartage, porters, hacking carriages and their drivers, and limit their fees and compensation; and to regulate pawn-brokers; to light the streets of the city; to regulate or restrain the running at large of horses, cattle, dogs and swine; and to establish and regulate one or more pounds; and to impose a tax on the owners of dogs; to establish and preserve public wells and cisterns, and to prevent the waste of water; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality; to regulate all taverns and porter houses, and places where spirituous liquors are bought and sold by less quantity than one quart; all houses or places of public entertainment; all exhibitions and public shows; with exclusive power to grant or refuse licenses thereto, or to revoke the same, and to exact such sum or sums therefor, as they may deem expedient; to establish and settle the boundaries of all streets or highways of all kinds, within the city, and prevent or remove encroachments thereon; to prescribe the bonds and securities to be given by the officers of the city, for the discharge of their duties, when no provision is otherwise made by law; and further to have power and authority, and it is hereby made their duty, to make and publish, from time to time, all such laws and ordinances as to them may seem necessary to suppress vice, provide for the safety, preserve the health, promote the prosperity, improve the order, comfort and convenience of said city, and its inhabitants, and to benefit the trade and commerce thereof, as are not repugnant to the general laws of the State: and likewise they shall have power to regulate wharves and the mooring of vessels in the harbor: to appoint a harbor master, with the usual powers, and to prevent fishing lights; and for the violation of any ordinance by them, made by the authority of this act, the said city council may prescribe any penalty not exceeding one hundred dollars, and provide for the prosecution, recovery and collection thereof, or for the imprisonment of the offender, in case of the non-payment of such penalty.

Market regulations.

Fish.

Carmen.

Pawn brokers.

Dogs and Hogs.

Spirituous liquors, (see amendment 1840,) licenses and public shows.

Council to establish and settle boundaries.

Publication of ordinances.

To regulate commerce.

Wharves, Docks, &c.

Council may prescribe penalty or fine not to exceed $100, and enforce collection by imprisonment.

§7. That for the purpose of guarding against the calamities of fire, the city council may, from time to time, by ordinance, designate such portions and parts of the city as they shall deem proper, within which no buildings of wood shall be erected; and may regulate and direct the erections

Wooden buildings may be prohibited.

of buildings, within such portions and parts, the size and materials, and the size of the chimnies therein; and every person who shall violate such ordinance or regulation, shall forfeit to said city the sum of one hundred dollars: and every building erected contrary to such ordinance, is hereby declared to be a public nuisance, and may be abated and removed as such by the city council; and the city council may, by ordinance, require the owners and occupants of houses, or other buildings, to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building, for not complying with such ordinance, the city council may, at the expiration of twenty days after such recovery, cause such scuttles, and stairs and ladders to be constructed, and may recover the expenses thereof, with ten per cent. in addition, of the owner or occupant, whose duty it was to comply with such ordinance; and for the purpose of arresting the progress of any fire, the mayor and council, or any three members thereof, may direct any building or buildings, to be torn down, removed, or blown up with gunpowder.

May require scuttles in roofs.

Blowing up buildings with gunpowder in case of fire.

§8. That the city council shall have power, on petition, signed by at least twelve free-holders of said city, and notice given for six consecutive weeks, in one or more of the newspapers of said city, to lay out and establish, vacate, change or alter, any street or streets, alley or alleys, lane or lanes in said city; and if any person shall claim damages by reason of the laying out or vacating, changing or altering thereof, and shall file his notice of such claim, in writing, with the city clerk, within thirty days after the order for laying out, vacating, changing or altering, shall have been published, which said order said city council shall cause to be published in some newspaper in said city, for four weeks in succession, the city council shall cause the damage, if any, over and above the benefit accruing thereby to such claimant, to be assessed by the oaths of three disinterested judicious freeholders of said city, by them appointed for that purpose; and the amount so assessed, shall be paid within three months after the return of such assessment, either by the petitioners, or out of the city treasury, as said council shall determine; or in default thereof, the order for laying out, vacating, changing or altering, shall be null and void: the city council shall have power to cause all the streets, highways, commons and market places of said city, to be kept in repair, and may cause the same to be graded, paved or otherwise improved, as the interests of said city may seem to require; and shall have exclusive power of appoint-

Repealed.

See amendment 1851.

To establish and vacate streets, &c.

Publication and notice.

Damage, how awarded.

Repealed.

See amendment 1851.

ing supervisors and officers of streets and other highways within said city, and prescribing their several duties; and the city council shall cause the public streets, roads, lanes alleys and highways, and the public squares, and other public grounds that now exist within the limits of said city, to be, by the surveyor of the county of Cuyahoga, or some other competent surveyor, surveyed, described and permanently marked, and a plat thereof recorded by the city clerk, in a book to be provided for that purpose, in which book shall also be recorded, a plat of any new street which may hereafter be established by said council, under the provision of this act; and also of any change or alterations in any of the streets or highways of the city; and such survey and record shall be, thereafter, conclusive evidence of the position and limits of such street, lane, alley, highway, square or public ground, subject however, to such alterations as may be made therein, agreeably to the provisions of this act: all persons within said city, who by law are liable to work on the roads, shall perform such work under the direction of the supervisors, to be appointed by the city council, and shall be liable for delinquency, in the same manner; and all fines and forfeitures incurred for delinquency, shall be collected in the manner pointed out by the laws of this State, regulating roads and highways; and when collected, shall be paid over to the city treasurer, to be expended as other road taxes are; and the road tax levied by law, on property within said city, shall be collected in money by the treasurer of Cuyahoga county; and when collected, shall be by him paid over to the city treasurer, and which shall be expended in the improvement of the roads and streets of said city, under the direction of the city council.

Appointing Supervisors on highways.

Survey and record of streets, &c.

To be recorded by clerk.

Road Tax, how worked.

To be collected by county treasurer.

How expended.

Special Taxes.

§9. That the council shall have power to levy a special, tax to defray the expenses of grading, paving, or otherwise improving any road, street, alley, lane, square, market place or common, within said city, by a discriminating assessment upon the land and ground, bounding and abutting on such road, street, alley, lane, market place, square or common, or near thereto, in proportion to the benefit accruing therefrom to such land or ground; and the city council shall appoint a committee of three disinterested judicious free-holders of said city, to estimate the cost of any such projected improvement, and to assess the expense on the land and ground as aforesaid; and it shall be the duty of the city council to provide, by ordinance, for the correction and equalization of such assessment; and the city council shall give notice in one or more of the newspapers published in said city, for six consecutive weeks, of the im-

Repealed, see amendment 1851.

Three freeholders to estimate cost.

Board of Equalization.

Six weeks notice of projected improvements.

provement to be made, in order that any one, damaged by reason of such improvement, may file his claim, in writing, in the office of the city clerk, within ten days after the expiration of the said six weeks' notice; and the said committee shall assess the damages, if any, of such claimants, and shall add the same to the cost of the improvement, as a part of the expense thereof, to be assessed as aforesaid; and said committee, within twenty days after the time shall have expired for filing claims for damages, (unless for good cause the council shall grant them further time,) shall make return to the office of the city clerk, setting forth the ultimate cost of such projected improvement, including the damages awarded by them to the claimants, together with the names of such claimants, and ground of claim with the amount awarded them severally, set opposite their respective names; and also a brief description of the lands and grounds upon which they shall have assessed the expense of the improvement, with the names of the owners or persons, liable to pay the assessment, respectively annexed, and the amount thereon assessed, set opposite their respective names; and if the name of the person owning, or liable for the tax, is unknown, the fact shall be stated, by writing "unknown owner," in the place of the name; and the city council, if they order and direct the improvement to be made, shall direct the city clerk, whose duty it shall be to annex a duplicate of taxes, so assessed, to the annual assessment roll, hereinafter specified, and to deliver it therewith, on or before the first Monday in July following, to the city collector, to be by him collected, at the same time, and in the same manner, as the annual taxes, and the proceedings of said collector shall, in all respects, be the same as in the collection of the annual taxes of said city, and he shall in like manner, pay the same into the city treasury; and in case of any tax being returned unpaid and delinquent, the proceedings shall in all respects be the same as in cases of delinquency in the payment of the annual taxes, with the addition of like interest and penalty; and when the improvement, so ordered shall be completed, each claimant shall be entitled to receive from the city treasurer, the amount of damages so, by the return of said committee, awarded him.

How damages are awarded.

Repealed, see amendment.

See amendment 1840.

Council to appoint clerk and other agents.

§10. That the city council shall appoint a city clerk, and any other agents or officers necessary for the interests of said city, not herein provided for, and prescribe the duties and compensation for the same, and to remove the same at pleasure; and when the office of any person appointed under the provisions of this act, shall become vacant, the city council shall fill such vacancy; and the person appointed to fill such vacancy, shall continue in office the remainder of

Vacancies, how filled.

the term of his predecessor; and when the office of any person elected under the provision of this act, by the qualified voters of this city or any ward thereof, shall become vacant, the mayor by order of the city council, shall issue an order for a special election to fill such vacancy; and the person elected shall continue in office during the remainder of the term of his predecessor; and in case of vacancy in the office of mayor, the president of the city council shall give notice for holding a special election to fill such vacancy; and until the same is filled, shall have power and authority to do and perform all the duties appertaining to the office of mayor; and in case of the absence or inability at any time, of the mayor, he shall have like power and authority; and all the officers elected or appointed under the provisions of this act, shall, before entering upon the duties of their respective offices, take an oath or affirmation faithfully and impartially to perform the several duties of the office to which such person is respectively elected or appointed; and when required, shall give bond, with good and sufficient security, to said city, in such sum or sums, and with such conditions, as the city council may from time to time determine; and in all cases not in this act provided for, shall receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures, for negligence, carelessness, misconduct in office, and positive violations of duty, as the city council shall by ordinance order and determine: and the city council may grant to the mayor, such compensation as shall be approved by the concurring vote of two thirds of all the members, and to members of their own body, such sum not exceeding one dollar per day to each member, for his attendance at any regular or special meeting of the board, as by a like vote shall be approved: and in all cases when a vacancy shall happen in the office of any officer elected by the provision of this act, the city council shall, by appointment, fill such vacancy; and the persons so appointed, shall hold such office until a person shall be elected and qualified to execute the duties thereof.

Oath and bonds of officers

See amendment of 1840.

§11. That it shall be the duty of the marshal to execute and return all writs and process, to him directed by the mayor; and when necessary in criminal cases, or for a violation of any ordinance of said city, he may serve the same in any part of Cuyahoga county; it shall be his duty to suppress all riots, disturbances, and breaches of the peace; to apprehend all disorderly persons in said city, and to pursue and arrest any person fleeing from justice in any part of the State of Ohio; to apprehend any person in the act of committing any offence against the laws of the State,

Powers and duties of marshal.

or ordinances of the city, and forthwith to bring such person or persons before competent authority, for examination; and to do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city; and he shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bail for the faithful performance of their duties.

Duties of Treasurer.

§12. That the treasurer of said city shall perform such duties, and exercise such powers, as may be lawfully required of him by the ordinances of said city; all moneys raised, received, recovered and collected, by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by a written order, under the authority of the city council, specifying the object of the appropriation; and it shall be the duty of the city council to settle all claims and demands against said city, and publish accounts of the receipts and expenditures of said city, annually, for information.

Council to settle all claims, and publish yearly exhibit of finances.

City prison and use of county jail.

§13. That the city council shall, when the public good may require it, erect a city prison, and regulate the police and internal government thereof; may authorise solitary confinement, or hard labor therein, for a violation of any of the ordinances of said city, punishable by imprisonment; and until such prison is prepared for the reception of prisoners, the said city shall be allowed the use of the jail of Cuyahoga county for the confinement of all persons convicted by the mayor, and sentenced under any of the laws of this state, or ordinances of said city; and all persons so imprisoned shall be under the charge of the sheriff of said county, who shall receive and discharge such prisoners in and from jail, in such manner as shall be prescribed by the ordinances of said city, or otherwise by due course of law: the city council shall also erect an almshouse, when the public good may require it, and such other buildings as may be necessary for the convenience of the city.

Almshouse.

Power to loan money.

§14. That the city council shall have power to borrow money for the discharge and liquidation of any debt of the city, either present or prospective, and to provide for the redemption of any loan by them made, and the payment of the interest thereon; and to pledge the revenues and property of the city therefor, in such manner, and upon such terms and conditions as said city council may by ordinance prescribe; and any ordinance for obtaining a loan of money, shall be considered and adopted by a vote of said city council, two-thirds of all the members concurring by yeas

and nays, and be entered at large on their journal; the proceedings shall then be postponed for at least two weeks, to a subsequent meeting of said council, and shall then be passed by a like majority concurring, and the vote thereon shall be entered as aforesaid.

§15. That for the discharge of any debt against said city, or expenditure authorised by the city council, under the provisions of this act, or any ordinance of said city, or to defray the current expenses of said city, the city council shall have power, annually, to levy and collect taxes on all the real and personal property, or capital of any kind, within said city, subject to taxation by the laws for levying the taxes of this state, for the time being; which property shall be listed and assessed annually, for taxation, by assessors appointed by the city council, one from each ward, who shall make return of their assessment roll to the office of the city clerk, at such times and in such forms as the city council shall, by ordinance direct; and it shall be the duty of the city council to make provision, by ordinance, for the listing and ascertaining the property to be assessed, for the valuation of such portions thereof, as by the laws levying the taxes of this state, shall, for the time being, be required to be valued, and for the correction and equalization of such assessment: and the city council, on or before the first Monday in June, annually, shall levy upon the whole amount of such assessment, as corrected and equalized, such per centage, as by the concurring vote of two-thirds of all the members, shall be deemed necessary; and it shall be the duty of the city clerk, on or before the first Monday in July annually, to deliver to the city collector a duplicate of the assessment roll, with the amount of taxes therein specified to be paid by each individual, with a warrant annexed thereto, under the hand of said clerk, and the mayor of said city, commanding said collector to collect from the several persons named in said assesment roll, the several sums set opposite their respective names; and in case such person shall refuse or neglect to pay such tax, then to levy the same by distress and sale of the goods and chattels of such person, in the same manner as constables are required to do on execution, and the collector shall tax and collect, in such cases, the like fees; and it shall be the duty of such collector, and by such warrant he shall be directed, to make return on the first Monday in October thereafter, to the office of the city clerk, of his proceedings thereon, and to pay into the city treasury the amount by him collected, after deducting therefrom such amount as the city council, by ordinance, shall allow him as a compensation; and when any tax, imposed by the city council pursuant to law, shall

Taxes, (repealed) see amendment 1840.

Taxes (repealed) see amendment of 1840.

be returned as unpaid, or shall not be paid within the time required by law, the said city council may maintain an action therefor, in the name of the city, against any person liable for the payment of the same, as owner of the real estate, or as owner of the personal property charged with said tax, in any court having cognizance thereof, with interest from the time such tax was returned unpaid, and costs of suit; and when any tax, charged upon any real estate within the city, shall be returned as unpaid, by the officer authorised to collect the same, the city council may direct the city treasurer to advertise and sell such real estate, as hereinafter provided; the city treasurer shall cause a notice to be published in a newspaper of the said city, for six successive weeks, describing the real estate charged with such tax remaining unpaid, notifying all persons concerned, that unless the said tax, with interest, and twenty-five per cent. penalty thereon, shall be paid before the time of sale in such notice specified, he will, on a day and place therein to be stated, expose the said real estate to sale at public auction; if such tax, with interest and penalty thereon, be not paid by the time of the sale, the said treasurer shall proceed to sell the same, for the shortest time any bidder will take the said premises, and pay the said tax, and interest and penalty thereon; and on such sale, he shall execute to the bidder a certificate of sale, in which the property purchased shall be described, the amount for which it was sold, and the time for which the premises were purchased, shall be specified; also, the time when the purchaser will be entitled to receive the lease hereinafter mentioned; and said treasurer shall cause a copy of said certificate to be filed in the office of the city clerk; the grantee in such certificate shall at the expiration of one year after such sale, be entitled to a lease of such premises for the term he so bid off the same, which term shall commence at the day of the date of said lease; said lease shall be given by the mayor of said city, under the corporate seal of said city, and shall be presumptive evidence in all courts and places, that such tax and assessment were legally imposed, and the proceedings touching such sale were correct; and such grantee may obtain possession thereof in the manner described by law, in cases of forcible detainer; and shall have, hold, and enjoy the said premises during the term for which the same were granted to him, free and clear from all claims and demands of any other owner or occupant of the same, but subject to any tax that may be charged thereon, during said term; and at the expiration of said term, such grantee, his heirs or assigns, may remove any building or affixture that may have been erected on the said premises, during the said

term; any owner or claimant of the premises so sold, may within one year after such sale, redeem the same, by paying to such grantee, his heirs or assigns, or into the city treasury, for his or their benefit, the amount paid by such purchaser, with the addition of twenty-five per cent. on the amount; and on such payment being made, the title of such grantee shall absolutely cease and determine: the mayor, by direction of the city council, may renew any warrants that may be lawfully issued for the collection of any tax, from time to time, as often as any tax shall be returned uncollected, or may issue a new warrant for the collection of such tax, and in such warrant shall specify the time when the same shall be returned; and the same proceedings shall, in all respects, be had on such renewed warrants, as are herein authorised upon the first warrant.

Taxes, (repealed) see amendment of 1840.

§16. That every law or ordinance of said city, before it shall be of any force or validity, shall be ordered to be engrossed for its final passage, by a majority of all the members of the city council concurring; it shall then be reconsidered by the city council, and if, at its final passage, it shall be adopted by a majority of all the members concurring, it shall become a law for said city; and all questions on the engrossment or final passage of any law or ordinance, or on the appointment of any officer of said city, shall be decided by yeas and nays: and the names of the persons voting for or against the same, shall be entered in the journals of said council; and all laws and ordinances framed as aforesaid, shall be signed by the presiding officer of the council and the city clerk, and forthwith published in one or more newspapers of said city.

Ordinances, how passed.

§17. That all qualified electors for members of the general assembly of this state, who have resided within the bounds of said city one year next preceeding the election, shall be deemed qualified voters of said city, and shall be entitled to vote in the ward in which they respectively reside, for any officer in the city required by this act to be elected by the qualified voters of said city; and in all elections for city officers, after the organization of said city government under this act, the mayor shall issue his proclamation to the qualified voters of said city, setting forth the time of such election, the place or places where the same is to be held in the several wards, and the several officers to be chosen; and said proclamation shall be published in one or more newspapers, printed or in general circulation in said city, for at least ten days previous to said election: and after the organization of the city government under this act, it shall be the duty of the city council to provide the place or places of holding elections in said

Qualifications of electors.

Mayor to issue proclamation for annual election.

city for city officers, the hour of the day the same shall continue open, to appoint the judges thereof, provide for the making and directing the returns of elections, the time and manner of opening the returns and of making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements respecting said elections, as may be lawful and convenient for the citizens of the several wards; and the person or persons having the highest number of votes, shall be declared duly elected.

Seee amendment of 1840.

§18. That in all cases brought before the mayor, for the violation of any of the ordinances of the city, when the defendant is adjudged to pay a fine or penalty, the defendant shall have a right, within ten days, to appeal to the court of common pleas of Cuyahoga county, upon giving bond with such security as the mayor shall approve, in double the amount of the debt and costs; and if double the amount of such judgment do not amount to fifty dollars, such bond shall be fifty dollars, conditioned to pay the judgement and costs which may be rendered against him, her or them in said court of common pleas; and in all cases appealed under the provisions of this act, the prosecution may be by action of debt or by indictment, as the case may require, and may proceed in the same manner as offences against the laws of the state are prosecuted; and the prosecution shall be managed and conducted by such counsel as for that purpose shall be authorised by the city council; and all fines imposed or penalties recovered shall when collected, be paid into the city treasury; and whenever bail from appeal as aforesaid, shall have been perfected as above provided, the mayor shall recall any execution which may have issued on any judgement as aforesaid.

Fines to be paid into the Treasury.

Common Schools

§19. That the city council be, and they are hereby authorised, at the expense of said city, to provide for the support of common schools; and for that purpose each of the wards of said city shall constitute a school district, until such time as the city council may divide each ward into two or more school districts, which they are hereby authorized to do, in such a manner as they may deem most convenient, having due regard to present and future population; and they are hereby authorised to purchase in fee simple, or to receive as a donation for the use of the city, a suitable lot of ground in each school district, as a site for a house therein: and they are hereby authorised to erect in each district a good and substantial school house, of such dimentions as shall be convenient for the use of the common schools in said city, and to defray the necessary expenses of the buildings and constructing such school houses and also to pay the purchase money for the lots of land

on which the same shall be erected; it shall be lawful for the city council, annually, to levy, in addition to the other taxes in said city, a tax, not exceeding one mill on the dollar, upon all property in the city subject to the payment of annual taxes by the provisions of this act, until a sufficient sum shall be raised and collected from such tax to meet all the expenses which shall be incurred, for the purchase of lots of land and the erection of the school houses aforesaid; *Provided*, It shall be lawful for said city to borrow such sum or sums of money as may be sufficient and necessary for purchasing or building as aforesaid, and to refund or pay the same as the tax aforesaid shall be collected; and the said tax is hereby made a special fund to be appropriated to no other purpose.

Proviso.

§20. That for the support of common schools in said city and to secure the benefits of education to all white children therein, it shall be the duty of the city council, annually, to levy and collect a tax not exceeding one mill on the dollar, upon all the property in said city subject to the payment of annual taxes by the provisions of this act, which shall be collected at the same time and in the same manner as is provided for the collection of the annual taxes; which tax, together with such as may be collected by the county treasurer for school purposes, within such part of the county of Cuyahoga as is within the limits of said city, shall be exclusively appropriated to defray the expences of instructors and fuel for said schools, and for no other purpose whatsoever; which schools shall be accessible to all white children, not under four years of age, who may reside in said city, subject only to such regulations for their government and instruction, as the board of managers, hereinafter mentioned, may from time to time prescribe.

Taxes for payment of Teachers &c, and white children.

County treasurer and school Fund.

§21. That the city council shall annually, select one judicious and competent person from each school district in the city as a manager of common schools in said city, which managers shall constitute and be denominated "The Board of Managers of Common Schools in the city of Cleveland;" who shall hold their office for one year, and until their successors are appointed and qualified, and shall fill all vacancies which may occur in their own body, during the time for which they shall be appointed.

Board of School Managers, how chosen.

§22. That the said managers shall have the general superintendence of all common schools in said city, and from time to time shall make such regulations for the government and instruction of the white children therein, as to them shall appear proper and expedient, and shall examine and employ instructors for the same; and shall cause a school to be kept in each district for at least six months in each

Powers and duties of school managers.

year, and shall cause an accurate census to be taken annually, in each district, of all the white children therein, between the ages of four and twenty-one years; and require of the several instructors thereof, to keep a record of the names and ages of all persons by them respectively instructed, and the time each shall have attended said schools, and return a copy of such record to the board of managers, at the close of each and every current year; and said board shall certify to the city council the correctness of all accounts for expenses incurred in support of said schools, and give certificates thereof, to the persons entitled to receive the same; they shall, at the close of every current year, report to the city council the state and condition of the several common schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of their administration thereof; and they shall do and perform all other matters and things pertaining to the duties of their said office, which may be necessary and proper to be done, to promote the education and morals of the children instructed in said schools, or which may be required of them by the ordinances of said city, not inconsistent with this act: *Provided*, That no person shall be employed as instructor in any of said schools, who has not first been examined, by the board of managers, and received a certificate of qualifications, as to his or her competency and moral character.

What age children are admissible.

Teachers to be examined.

§23. That all monies which shall belong to the village of Cleveland, or which said village shall be entitled to at the time it shall be organized under this act, for the use of common schools therein, shall be paid over to and held by the city treasurer, and all moneys hereafter levied and collected within the limits of said city, for the support of common schools, and also all other money appropriated by law for the use of common schools therein, shall be paid into the city treasury as a separate and distinct fund, and shall not be applied, under any pretence whatever, to any other use than that for which it is levied and collected; and a separate and particular account of the receipts and expenditures thereof, shall be kept by the said treasurer, in a book to be provided for that purpose; and the said treasurer shall not be entitled to receive any per centage, premium or compensation, for receiving or paying out said fund or for keeping the accounts thereof.

Obsolete.

Commencement and termination of schools to be fixed by council.

§24. That the city council shall fix by ordinance, the commencement and termination of the current year of said common schools, and determine the time and duration of all vacations thereof, which shall be the same throughout said city; and said city council may at their discretion, at

any time previous to the erection of the school houses provided for in this act, lease on such terms and conditions as they may deem proper in the several school districts of said city, and for such times as they shall think necessary, convenient buildings for the use of common schools therein, to be occupied only till such school houses shall be erected and prepared for such schools: *Provided*, That the property of black or mulatto persons shall be exempted from taxation for school purposes under this act.

School houses & lots.

Property of blacks exempt from school tax.

§25. That any person to be eligible for any office under the provisions of his act shall be a qualified voter of the city.

§26. That the president, recorder and trustees, and all other officers of the corporation of the village of Cleveland now in office therein, shall remain in their respective offices and perform the several duties thereof, until the mayor and city council are elected and qualified under this act; and all laws, ordinances and resolutions passed and adopted by the corporate authorities of said village, shall remain in full force until altered or repealed by the city council established by this act.

Village laws repealed.

§27. That the said city of Cleveland shall be and is hereby invested as the lawful owner and proprietor of all the real and personal estate, and all the rights and privileges thereof, belonging to the corporation of the village of Cleveland; together with all the property, funds and revenues, and all monies, debts and demands, due and owing to said village of Cleveland, or to the president, recorder and trustees thereof, as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act; and all suits pending and judgments recovered by or in favor of or against the said village of Cleveland, and all rights, claims and demands, in favor of, or against the same, may be continued, prosecuted, completed, defended and collected, in the same manner as though this act had never been passed; and the said city shall be accountable for all debts and liabilities of said village corporation.

Property of the City.

Village Charter.

§28. The president and trustees, or a majority of them, of the corporation of Cleveland village, shall designate some time in the month of April, 1836, for holding the first election, and shall appoint three suitable persons in each ward of said city to be judges of the first election under the provisions of this act, also two suitable persons to be clerks thereof, in each ward, and shall notify the several persons so appointed; and shall publish in one or more of the newspapers in said city, at least ten days before said

election, the several places designated for holding the same, and to procure a suitable place in each ward for holding the election, which said first election shall be open between the hours of nine and eleven o'clock in the forenoon, and shall continue open until five o'clock in the afternoon; and said election shall be conducted agreeably to the laws regulating township elections, and it shall be the duty of the judges of said election, in the several wards, within two days thereafter, to make and direct the returns thereof to the president of said village corporation, at his office, in the same manner that election returns are required to be made to the clerk of the court of common pleas, by the act entitled "An Act to regulate elections;" and the said president or person acting as such, shall, within three days after such election, open the returns which shall have been made to him as aforesaid, and make an abstract thereof, and immediately notify in writing the persons elected as aforesaid of their several elections under this act.

§29. That the act entitled "An Act to incorporate the village of Cleveland," passed December 22, 1814, and the several acts amendatory thereto, and all acts and parts of acts inconsistent with this act, be, and the same are hereby repealed, saving and excepting as is herein above excepted.

AMENDMENTS

OF THE CHARTER OF

THE CITY OF CLEVELAND.

AN ACT

An Act restraining the corporate authorities of the City of Cleveland in the exercise of certain power, and for other purposes.

Licensing Taverns prohibited.

§1. *Be it enacted by the General Assembly of the State of Ohio.* That it shall not be lawful for the corporation of the City of Cleveland, or the council or other legislative authority thereof, to grant any license to tavern keepers, inn holders, retailers of spirituous liquors by less than a quart, ale or porter houses, or any other house of entertainment for the distribution of stimulant liquors to be drank where sold; any thing in the charters of incorporation of said city or the acts amendatory thereto, to the contrary notwithstanding.

Common Pleas to grant licenses.

§2. The court of common pleas for Cuyahoga county may grant licenses in the city of Cleveland, for the establishment of taverns for the entertainment of travellers, in the manner and upon the terms and conditions prescribed by the general laws of the state for granting tavern licenses; and in granting such licenses the court of common pleas shall especially take care that no tavern be licensed where the principal business contemplated is an habitual resort of the citizens for tippling ardent spirits, wine, ale or beer, or any other intoxicating liquors.

Duty of City to prevent the sale of ardent spirits.

§3. The city council of the city of Cleveland shall be authorised and empowered, and it is hereby made their duty to provide by ordinance, under appropriate and effective penalties, for the suppression of all houses of public entertainment wherein ardent spirits, wines, ale or beer, or any other intoxicating liquors are, under any pretence whatever, used as a part of such entertainment, except taverns licensed as by this act provided; all penalties enacted for this purpose shall be recovered in an action of debt before the mayor of said city, or any justice of the peace, wherein the city shall sue as plaintiff. An appeal to the court of common pleas shall lie from the judgement

of said mayor for either party, in all cases where the penalty demanded exceeds ten dollars; and upon such appeal the parties shall proceed in the court of common pleas as in a penal action of debt, and the pleading, trial, and judgment shall be had accordingly.

Powers of City Council.

§4. The city council of said city shall have power and authority to provide by ordinance all necessary penalties accumulative upon those of the state laws for the preservation of good order in the licensed taverns within said city; and prosecutions for the violation of all such ordinances shall be conducted as in cases where no license has been granted; and in all cases where a licensed tavern keeper shall be twice convicted of violating either the general laws or the city ordinances during the continuation of any one yearly license, upon such second conviction the license shall be forfeited, and the party shall be incapable of being licensed for the next term of twelve months ensuing such forfeiture.

When this act to take effect.

§5. All licences granted before the taking effect of this act shall continue in force according to the period of their respective grants, but shall nevertheless be subject to any enactments made for enforcing the observation of the laws under the provisions hereof; this act to take effect and be in force from and after the first day of April next.

County Treasurer to receive license money.

§6. It shall be the duty of the auditor of Cuyahoga county to give to the treasurer of the city of Cleveland, on demand, an order on the county treasurer for any monies that shall at any time remain in the county treasury that have been received for tavern licenses granted within the city of Cleveland; and which money shall be paid into the treasury of the city of Cleveland.—Passed March 18,1839.

AN ACT

To amend an act entitled "An act to incorporate the City of Cleveland.

Protection of lake shore.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Cleveland shall have power to levy a special tax for the purposes of improvement, and also for protecting the shore of the lake, by a discriminating assessment, agreeably to the 9th section of the act entitled "An Act to incorporate the city of Cleveland," providing for the payment of the same in annual instalments.—Passed March 21, 1840.

AN ACT

To amend an act entitled "An act to incorporate the City of Cleveland."

§1. *Be it enacted by the General Assembly of the State of Ohio*, That the aldermen and councilmen of said city shall not be allowed or paid any compensation whatsoever, for their respective services, and no officer of said city shall be allowed or paid more than two hundred dollars in any one year, either by way of salary, or otherwise. Council not allowed pay.

§2. The city council shall, annually, between the first day of April and the first day of June, determine the amount of taxes necessary to be levied upon the taxable property in said city, for city purposes, by a vote, in which vote at least eight of the members of said council shall concur, and said council shall enter such vote upon their journal, with the yeas and nays of the members voting, and the mayor shall certify the said vote to the auditor of Cuyahoga county, on or before the first Monday in June, annually; provided that the tax so to be determined, shall not exceed five mills on the dollar, on the taxable property in said city, entered for taxation by said county auditor in the current year. City Council to levy but 5 mills on the dollar on county valuation.

§3. That the county auditor of Cuyahoga county, in making the duplicate of taxes for said county shall annually, charge the amount of tax so determined upon the taxable property in said city, in a column to be designated for that purpose, and the tax so charged, shall be collected by the county treasurer at the same time, and in the same manner as the other taxes charged upon the duplicate shall be collected; and the county treasurer shall be allowed one and a half per centum on the account so collected, as a compensation for collecting, by the county auditor; and the county treasurer shall, forthwith, pay over to the treasurer of said city, the net amount so collected on the order of the county auditor. County Treasurer to collect city Tax.

§4. That the fifteenth section of the above recited act, and all other parts thereof, coming within the purview of this act, be and the same are hereby repealed; provided, that all taxes heretofore levied, or penalties accrued, shall be collected in the same manner they would have been if this act had not been passed. This act shall take effect from and after its passage.—Passed March 20, 1841. 15th section city charter repealed.

AN ACT

To amend the charter of the City of Cleveland.

Trial by Jury before Mayor.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That in all prosecutions against any person accused of the violation of any ordinance of the city of Cleveland, such person may demand a trial by jury, which jury shall be selected by the mayor of said city, in the same manner that jurors are selected by the justices of the peace; and when the jurors are thus selected, the mayor shall issue his venire, directed to the marshal of the city, commanding him to summons the persons named in said venire forthwith to appear before the mayor, and any person neglecting to obey the command of said venire, shall be liable to be fined by the said mayor the sum of one dollar, which fine shall be entered on the records of said mayor, and collected by execution, with costs, and when collected, paid into the city treasury; each juror shall be entitled to receive fifty cents for each case in which he shall attend and serve.

Mayor's and Juror's duties.

§2. The said jury, after being duly sworn, shall try the question of the guilt or innocence of the party accused, and if they agree, render their verdict to the said mayor, who shall thereupon render a judgement.

No appeal from Mayor's court.

§3. That in all cases where any person shall fail to demand a jury, or shall demand a jury which shall render a verdict in the case, there shall be no appeal from the judgment of the mayor rendered upon said verdict: provided, that the mayor may, on good cause shown, grant a new trial after verdict and before judgment. This act shall take effect from its passage.—Passed March 29, 1841.

AN ACT

To amend an act entitled "An act to incorporate the City of Cleveland.

Construction of Wharves, Docks, &c.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Cleveland, shall have full power and authority to construct wharves, docks, and slips, upon or in any portion or portions of the streets of said city, adjacent to the Cuyahoga river, or Lake Erie, reserving free from obstruction, such portions of said streets as shall, in their opinion, be required for public use.

Leasing Streets, Wharves, &c.

§2. That said city council shall also have full power to lease any portion or portions of said streets, not in their opinion, required for public use, or any wharves, docks, or slips, constructed upon or in the same, upon such terms, and for such periods, not exceeding ten years in any one lease, as to them shall seem expedient; and all rents and profits accruing from such leases shall be set apart as a fund to be expended in improving the wharves and streets of said city.—Passed Dec. 21 1844.

AN ACT

To authorise the City council of the City of Cleveland to appoint Inspectors of Provisions, and other articles.

Inspectors, how appointed.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Cleveland, shall have exclusive power to appoint any citizen or citizens of said city, whom said city council may deem suitably qualified, to act within and for the city of Cleveland, as inspectors of such articles as are specified in the act entitled "An Act for the inspection of certain articles therein named," passed March 9th, 1831, and the act to amend the same, passed February 11th, 1832, which said inspectors shall within and for said city, have the same powers, perform the same duties, take the same oaths or affirmations, be governed by the same rules, and liable to the same penalties as are prescribed in the act above mentioned.

§2. The appointment with the license hereinafter provided for, may authorize said inspector or inspectors, or any one or more of them, to inspect any one or more of the articles named in the act above mentioned.

Bonds.

§3. Every person appointed by said city council as an inspector under the provisions of this act, shall before entering upon the duties of his office, enter into bond with sufficient security, to be approved by said city council, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be filed with and made payable to the treasurer of the city of Cleveland, and shall also, if the council deem it necessary, renew his bond from year to year.

Institution of suit for neglect of duty.

§4. Any person who may claim himself injured by the misconduct, neglect, or incapacity of any of said inspectors, may institute a suit on a copy of the bond of such inspector certified by the treasurer of said city for the use of the person sueing, and the same proceedings shall be had there-

on, with the same provisions as are contained in the third section of the act entitled "An Act for the inspection of certain articles therein named," passed March 9th, 1831.

License money, when paid.

§5. The said city council are hereby authorised to require each and every person appointed under the provisions of this act, before he shall enter upon the duties of said office, to pay to the treasurer of the city of Cleveland, for the use of said city, such sum not less than one hundred nor more than five hundred dollars, as the city council may from year to year deem proper, and on such payment, shall be entitled to receive from the clerk of said city, a license, authorising the person therein named to act as such inspector, until the first day of April, next, after the date thereof; and in case of a vacancy occurring, by death or otherwise during the term for which any inspector shall have been licensed as aforesaid, the council may fill such vacancy by granting a license for such sum as they think proper.

Vacancies, how filled.

Acting as Inspectors.

§6. That the persons appointed by the court of Common Pleas of Cuyahoga County, inspectors for said county, under and by virtue of the act refered to in the first section of this act, shall not exercise their office as inspectors within the limits of the city of Cleveland, after the terms for which they shall have severally given bonds shall have expired.

Power to remove

§7. That the said city council shall have full power and authority on complaint and sufficient cause shown, to remove from office any inspector appointed under this act; provided, always, that no inspector shall be removed from his said office, unless two thirds of all the members of the council shall vote for such removal.

Fees.

§8 That the inspectors to be appointed under this act, shall be entitled to receive the following fees for their services, viz: For packing and inspecting every barrel of pork or beef, seventeen cents; for every half barrel, twelve cents; for packing, examining and inspecting every barrel of fish, eighteen cents.

§9. This act shall be deemed a public act, and shall be in force from and after its passage.—Passed February 10, 1845.

AN ACT

To incorporate the Firemen's General Association of the City of Cleveland.

Who compose.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That all persons who are now, or may hereafter become active members of any of the fire companies which

are now, or may hereafter be organized in the city of Cleveland by the city council thereof, as the fire department of said city, be and they are hereby constituted a body politic and corporate, by the name and style of the Fireman's General Association, of the city of Cleveland, and by that name shall be capable of contracting and being contracted with, suing and being sued in all courts of law and equity, and shall have full power to acquire by purchase, gift, or otherwise, such real or personal estate as may be necessary and convenient for the transaction of its business, or as may be conveyed to said association in payment of any debt or judgement, and the same to sell and convey at pleasure. Title.

§2. That there shall be created by said association, a fund which shall consist of such property, real, personal, or mixed, as shall be owned by the association, and all of such donations and contributions in money or otherwise, as shall be made thereto by any person or persons, the sole object and design of which, is hereby declared to be the relief of Firemen disabled while on duty, and no portion of said fund shall ever be appropriated to any other purpose whatever, except the necessary expenses incidental to the management thereof; and for the purpose of augmenting said fund and thereby more effectually to promote the benevolent design to be accomplished thereby, it shall be lawful for said association to lend at a rate of interest not exceeding seven per cent. per annum, in advance, all or any part of the money of which said fund shall be composed, under such rules and regulations, and upon such security as may be deemed expedient by the board of directors of the association. Fund created. Object. For increasing fund.

§3. The officers of this association shall be a President, Secretary and Treasurer, all of whom shall be active firemen, and shall be elected annually, on the first Tuesday in June, at such time and place, and under such regulations as the laws of the association shall direct, who shall respectively hold their offices until their successors are elected and give bond, and each fire company consisting of thirty members or more, shall on the same day appoint two directors, who shall be a board of directors, and shall have the sole management, together with the President, Secretary, and Treasurer, of the concerns of the association, except the making of laws, and the adoption of measures to increase the fund by donation. The President, Secretary and Treasurer, shall respectively give bond before entering upon their duties to the association, to be approved by the board, for the faithful discharge of their duties, but shall receive no stated salary; the board, however, may, if it shall think Officers, when elected. Bond and Salary.

proper, allow said officers such compensation as they shall deem just and equitable.

Officers for temporary organization.

§4. That for the temporary organization of the association under this act, J. B. Emmons shall be President, L. H. Cutler, Secretary, W. McGauphy, Treasurer, and Lewis R. Giles, J. J. Vinall, directors from Engine company number one, John Gill, James B. Wilbur, from Engine company number two, David L. Wood, James Barnett, from Engine company number four, James Lloyd, David Whitehead, from Engine company number five, James Proudfoot, Edward Wall, from Hook and Ladder company number one, and Aaron Lowentritt and Henery Hellemy, from Hose company number one, who shall respectively hold their offices until the first Tuesday in June, as is herein before mentioned, and until their successors respectively are elected.

Secretary to call meeting.

§5. That on the passage of this act, the Secretary shall call the association together by giving three days notice, either in some daily newspaper published in said city, or by posting up handbills in the public streets of said city, at which meeting the members of said association shall have power to make such bye-laws, rules and regulations not inconsistent with this act, the laws of the State of Ohio, and of the United States, as they shall deem proper for the furtherance of the object above expressed, and such association shall have power at any time thereafter, to alter, amend, or add to such bye-laws, rules and regulations, due notice having been given of such proposed action, and a majority of the members present at such meeting concurring therein.

Bye-Laws.

To serve process.

§6. That all mesne processes shall be served on this corporation by leaving an attested copy thereof with the President, Treasurer, Secretary, or any member of the board of directors thereof, at least ten days before the return day thereof.

§7. This act shall take effect from and after the passage thereof.—Passed February 19, 1845.

AN ACT

Further to amend the Charter of the City of Cleveland.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Cleveland shall have power, on petition signed by at least twelve freeholders, residents in said city, and presented within thirty

days after the notice thereof shall have been published in one or more newspapers in said city, and which notice shall have been published at least twice in each week for four consecutive weeks, by ordinance, to lay out and establish, vacate, change or alter, or to grade, pave, gravel, plank, or otherwise improve or repair any avenue or avenues, street or streets, lane or lanes, alley or alleys, or highways in said city. Said notice and petition shall state substantially the object sought to be accomplished, and also whether it is desired that the expense thereof, together with the damages caused thereby shall be paid by the petitioners, or out of the city treasury, or by a discriminating tax upon the land particularly benefited thereby; and if by a discriminating tax the petitioners shall own or represent at least one-third of the land to be taxed for the object sought. If the council shall determine upon said improvement the order therefor shall state whether the expense thereof, together with any damages which may be assessed on account of same, shall be paid by the petitioners, or from the city treasury, or by a discriminating tax on the land benefited thereby, in manner as hereinafter provided; and which said order shall be published in one or more newspapers of the city, at least twice in each week for four consecutive weeks. The council shall appoint three judicious, disinterested freeholders of said city to estimate the cost of the projected improvement, establishment, vacation, alteration or change of any avenue, street, alley, or highway, and who shall file a report of the same in the office of the city clerk within thirty days from the expiration or the last aforesaid four week's publication of the order.

To establish and vacate streets, &c

Publication and notice.

Special tax, how paid.

Three freeholders to estimate the costs.

§2. If any person shall claim damages by reason of such establishment, vacation, alteration, changing, or otherwise improving said avenue, street, alley, or highway, and shall file at the city clerk's office his notice of such claim in writing within twenty days after the expiration of the publication of said order, such committee shall assess such amount of damage as they may deem such claimant to have sustained, over and above the benefits, and add the amount to the expense of the said improvement, and they shall state the amount of the damage so assessed to each person separately in their report to be filed with the city clerk as aforesaid. If the order of the council shall have determined that the cost and damages accruing on account of the establishment, vacation, alteration, change, or grading, paving, graveling, planking, or otherwise improving of any avenue, street, alley, or highway, in said city, shall be borne by the petitioners or defrayed from the city treasury; then the total amount of damages, as reported by the committee

Damages, how awarded.

as aforesaid, shall be paid or tendered by the petitioners or the city, as the case may be, to such persons or their agents as the committee may have awarded said damages to, within fifteen months after the date of said report, or in default thereof the order for establishing, vacating, altering or changing, or for improving said avenue, street, alley or highway, shall be null and void. But if the order of the council shall have determined that the expense of establishing, altering, vacating, or improving any avenue, street, alley, or highway, together with the damages caused by the same, shall be defrayed by a discriminating tax on the lands benefited thereby, the said committee shall, with their report to be made within thirty days, aforesaid, make out a list of the lands to be benefited by such improvement and bounded and abutting upon the same or lying near thereto, in duplicate form and describing the same whenever practicable, as the same lands may be described on the duplicate of taxes of Cuyahoga County in the current or preceding year and shall charge theron to each parcel of land, opposite to the name of the owner and if the name of the owner is unknown, then the words "unknown owner" shall be inserted in place of the owners name, the equitable and just proportion of the damages and costs of such improvement according to the proportion of benefits, which assessment the said committee shall sign and return to the city clerk with their report, and the council shall provide by ordinance for the correction and equalization of such assessment, and a copy of the same shall be certified by the mayor or the city clerk, on or before the first Monday in June in any year thereafter, to the county auditor of Cuyahoga county, and the county auditor shall place the same upon the duplicate, and it shall be collected and paid over to the city treasurer in the same manner that other taxes are.

To be paid within 15 months.

Board of Equalization.

§3. The council shall have power to direct that the whole or such part as they may deem proper, not less than one-third of such assessment, shall be certified and collected in any one year; which tax, when so collected and paid into the city treasury, shall constitute a fund to be devoted to the purpose for which it was collected and to no other. The city council shall also have power, if from any error or informality, or from any other cause, any discriminating tax attempted to be levied has failed or shall fail to be collected, to review the same and by proceedings under this act take such measures as may be necessary to secure the collection of said tax. All damages to which individuals shall be entitled in manner above stated, shall be paid out of the city treasury within three months after the collection of the same: *Provided*, That the council shall not proceed to open

Tax, how collected.

or improve, or close or alter any avenue, street, or alley, so ordered to be established, changed, altered, or improved, unless the amount of damage to which any claimant shall have become entitled under the provisions of this act shall have been paid or tendered to said claimant or his agent, or the amount thereof secured to be paid by the city or some person or persons, within the time specified for the payment by this act from the collection of this tax and any person or persons being interested in the opening or vacating of any such street or alley, may pay the amount of the damages so assessed and to be collected by a discriminating tax to the several persons entitled thereto or into the city treasury for their use, and may have such street or alley opened or vacated forthwith after such payment and shall be entitled to have the money so paid refunded with interest from such *tax* when collected.

Repealing 8th and 9th sec. of city charter.

§4. That sections 8 and 9 of the city charter and so much of all other acts and parts of acts amendatory thereto, which conflict herewith, are hereby repealed: Provided, that all proceedings in said city for establishing, vacating, altering, or changing, or improving any avenue, street, or alley may be prosecuted and carried into complete effect as if this act had not been passed, or at the discretion of the council any of said proceedings may be completed under this act, and the notices given, ordinances published, and proceedings already had, shall be as effectual as if the same had been given and done under and according to the provisions of this act.

Marshal, how compensated, not to hold two offices.

§5. That no person holding office under the charter of said city shall be eligible at the same time to hold any township office, and the council may pay the city marshal such compensation as they may deem proper, not exceeding five hundred dollars per annum.

Acting managers of schools, how compensated.

§6. The city council shall have power to allow the acting managers of schools such compensation as they may deem proper, not exceeding two hundred dollars per annum; said city council shall have power to levy a special tax on the taxable property of said city, not exceeding two-fifths of one mill on the dollar valuation, which, when collected and paid over to the city treasury, shall constitute a distinct fund for the payment of bonds of said city now due or about to fall due.

Special tax, two fifth mill.

City Sexton how elected.

§7. That the city sexton of said city shall hereafter be elected annually, at the charter election, by the qualified electors thereof, in the same manner that the marshal is elected.

Part of ten acre lots not fully taxed.

§8. That so much of the real estate situated within the territory annexed to said city, by virtue of an act, entitled

an act to extend the corporate limits of the city of Cleveland and for other purposes, passed March 22d, 1850, as lies Northerly of a line parallel with Euclid st., and 30 rods distant northerly therefrom and easterly of ten acre lots numbered 86, 61, 37 and 12, and easterly of the east line of ten acre lot No. 10, projected till it intersects Pittsburgh road, and thence along said road to the southerly limit of said city and so much of the personal property of persons residing thereon as is required by law to be listed in the place or ward where the owner actually resides, shall be subject to all taxes levied within said city for Rail Road, School, and Road purposes, and for the support of the poor, but shall not be subject to any other tax levied for corporation or other purposes except so far as the said real estate has been or as it may hereafter be sub-divided and sold or improved as city lots, and all questions arising under this section shall be finally determined by the Auditor of Cuyahoga county.

Powers of City Clerk.

§9. That the City Clerk is hereby authorized and empowered to hold the Mayor's court of said city, and for that purpose is invested with jurisdiction in all cases for the violation of the ordinances of said city, concurrent with that which now is or hereafter may be vested in said mayor.

Passed, March 11, 1851.

AN ACT

Establishing a Board of Excise Commissioners for the City of Cleveland, and defining their duties.

Number of Commissioners, term of office.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That Melancton Barnet, Charles Bradburn and Samuel E. Adams, and their successors in office, are hereby constituted and appointed Commissioners of Excise for the city of Cleveland, a majority of whom shall constitute a quorum for the transaction of business, and shall have power to make all bye-laws and regulations needful and proper for the discharge of their duties, under this act. Said Commissioners shall take an oath, faithfully and impartially to discharge their duties according to law and the best of their judgment; shall severally give bond and security to the satisfaction of the city council of said city, in the sum of five hundred dollars, and shall hold their office for the term of three years; Provided, that at the first organization of said board, they shall determine by lot, their term of office, in such manner that one of them shall serve

for one year, one for two years, and one for three years, from and after the first day of March, A. D. 1850; and Provided further, that when a vacancy shall occur in said Board by death, resignation, expiration of term, or otherwise, it shall be the duty of the city council of said city, to appoint some suitable person to fill the vacancy for the unexpired term, or the next succeeding term, as the case may be.

Applications for license, when made.

§2. Said Commissioners shall hold quarterly sessions on the first Monday in January, April, July and October, annually, for the purpose of hearing applications for license under this act.

Duties of Commissioners.

§3. It shall be the duty of said Commissioners to grant license to keep a tavern, porter house, or house of entertainment, to all applicants therefor, who, by the testimony of witnesses, [to whom said Board are hereby authorized to administer oaths,] shall show to the satisfaction of the Commissioners, such applicant to be of good habits, not addicted to drinking, and who would not, in the opinion of said Commissioners, permit or suffer any drunkenness, riotous, disorderly or licentious conduct, in his or her house, store or grocery, or on the premises occupied by him or her; and it shall be the duty of said Commissioners to enquire particularly into the character of the applicant, which said license shall continue for one year, and no longer.

Sum of license.

§4. Said Commissioners shall charge for such license such sum as they may think proper, not less than twenty, nor more than one hundred dollars, one fourth thereof to be paid down, and the balance thereof to be paid in three equal instalments, as follows; one in three months, one in six months, and one in nine months thereafter, which money shall be immediately paid by said Commissioners into the general fund in the treasury of said city, taking the Treasurers receipt therefor.

To keep a set of books.

§5. Said Commissioners shall keep a set of books, wherein shall be entered the name of every person to whom license may be granted, the date of said grant, and the amount charged, and all payments made therefor, which books shall at all times be subject to the orders or inspection of the city council of Cleveland.

Penalties for disorderly conduct

§6. That if any person licensed as aforesaid, shall permit or suffer any kind of rioting, drunkenness, disorderly or licentious conduct in his or her house, or on the premises occupied by him or her, shall sell or give any liquor to any person in a state of intoxication, or permit or suffer any other person in his or her house, or on the premises occupied by him or her, to sell or give to any person in a state of intoxication, any liquor, every such person shall

forfeit and pay for every such offence twenty dollars with costs, to be recovered in an action of debt, in the name of the State of Ohio, before the Mayor of said city, or before any justice of the peace of said township, and shall moreover forfeit his or her license, and be incapable of being licensed for the term of twelve months after such forfeiture, or if he, she, or they shall neglect to pay the sum assessed for license, as it becomes due, the license shall be forfeited, and become null and void.

Penalty for selling without license.

§7. No person shall vend, or sell or with intent to avoid this act, or any other law of this state, give away without being licensed as aforesaid, any ardent spirits, wines, ale, beer, or other intoxicating liquor in less quantities than one quart, to be drank on his or her premises, or on the premises occupied by him or her, or elsewhere, or permit or suffer any such liquors to be sold or given away as aforesaid, in his or her house, or on the premises occupied by him or her, or any-where within the limits of said city, under the penalty of thirty dollars for each offence, to be recovered with costs, in an action of debt, in the name of the State of Ohio, before the Mayor of said city, or any justice of the peace of said township.

Fines collected, how paid.

§8. All fines collected for the violation of any of the provisions of this act, shall be paid into the general fund of the city treasury.

Violation of this act forfeiture of license.

§9. All judgments recovered for the violation of any of the provisions of this act shall be construed to be judgments for fines for offences within the meaning of the second section of an act to abolish imprisonment for debt, passed March 19, 1838, and shall moreover be a lien on the estate, interest and title of the offender in the property where the liquor was sold, both real and personal, by whatsoever title such interest or estate may be held, but if owned by any other person than the offender, and the offender be in possession as trespasser, tenant at will, or by sufferance, it shall be the duty of the officer before whom judgment was recovered,[or any other person interested therein,] on the return of the execution endorsed in substance, "no money made or property found whereon to levy," to cause a written notice to be given to the owner or landlord, his agent or attorney, of the building or the premises, where said offence was committed, of said offence and of the return of said execution, and if the owner or landlord shall not within twenty days thereafter, put a stop to the sale or vending of liquors in said house, or on said premises, then all judgments recovered for any violations of this act, after the expiration of said twenty days, shall be a lien on said property, where the offence was committed, both real and

personal, for the payment thereof; Provided, the provisions of this section shall not extend to lessors, who have no power reserved to control the manner in which the demised premises shall be occupied under lease existing at the passing of this act, within the limits of said city; and Provided further, and it is hereby declared that the commission of any of the offences prohibited in this act, by any tenant or person in possession under any lease of any real estate within said city, hereafter to be executed, the commission of such offence shall be a forfeiture of such lease, and all interest and right of possession under such lease, and the landlord may resume the possession thereof, and control the property the same as if such lease had never existed, and if the landlord fail to do so, after having been notified as herein is before provided, then the estate and interest of such landlord shall become subject to the lien herein before provided for, as fully as if such landlord had committed the offences.

Intoxicating liquor-evidence, &c.

§10. In any prosecution for the violation of any of the provisions of this act, it shall not be necessary to specify or prove the kind of liquor sold or given away as aforesaid, but it shall be sufficient to describe and prove it to have been intoxicating liquor.

Compensation not to exceed $3 a day.

§11. Said Commissioners shall receive for their services such reasonable sum as the city council of said city shall determine, not exceeding three dollars per day each, for every day actually employed. The first session of said Commissioners shall be held at the council chamber in said city within thirty days after the passage of this act.—Passed February 25, 1850.

AN ACT

To authorise the establishment of a Poor House and Hospital by the City of Cleveland.

Council to erect Poor House and Hospital.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Cleveland, be and they are hereby authorized, in their discretion, to erect and establish a Poor House and a Hospital for the accommodation of the poor and infirm of said city.

City council to purchase lot, &c.

§2. That the said city council shall have power, and are hereby authorised, for the purposes aforesaid, to purchase such lots or tracts of land, within the county of Cuyahoga as they may judge necessary; and shall also have power

and authority to erect suitable buildings thereon for the purposes aforesaid.

Council to levy a tax for purchase of lot, &c.

§3. That the said city council shall have power and authority to levy a tax upon all taxable property in said city, for the purchase of such lots or tracts of land, and for the erection of suitable buildings thereon, for the purpose aforesaid, which tax shall be levied in one or more years, as the council may deem expedient, and shall be collected and paid over in the same manner that other taxes are levied, collected and paid over, and when so paid, shall be used for no other purpose whatever.

Council to appoint Directors, &c.

§4. That after a tract of land shall have been purchased for a poor house lot, in pursuance of the provisions of this act, and the buildings thereon shall, in the opinion of said council, be in a suitable condition for the reception of the paupers of said city, it shall be the duty of said council to appoint three judicious persons, residents of said city, who shall form a board of directors to take charge of and manage the affairs of said poor house and hospital, who shall hold their offices until the ensuing annual charter election in said city, and until their successors are elected and qualified. At the annual charter election, ensuing such appointment, there shall be elected one member of said board of directors, who shall hold his office for the period of one year, one who shall hold his office for two years, and one who shall hold his office for three years; and at the annual charter election, every year thereafter, one member of said board shall be elected to fill the vacancy occurring in said board on the day of such election, who shall hold his office for the period of three years, and the persons so elected shall hold their offices, respectively, until their successors are elected and qualified, and in case a vacancy shall happen in said board by reason of the death, removal from said city, resignation of a member or otherwise, it shall be the duty of said council to fill the same, said directors before entering upon the discharge of their duties; and after having entered into the bond as provided in this act, shall take an oath or affirmation, respectively, faithfully to discharge the duties of said office.

Board of Directors body corporate, &c.

§5. That the said board of directors shall be a body corporate and politic, with perpetual succession, and shall be known by the name of "The Board of Directors of the Poor House of Cleveland," and by that name may sue and be sued, defend and be defended in any court of competent jurisdiction; may have a corporate seal; shall elect a president and clerk from their own number, and a majority of said board shall form a quorum for the transaction of business.

§6. That the said board of directors are hereby authorized to make all such contracts and purchases as may be necessary for the said poor house and hospital; they shall propose all such bye-laws, rules and regulations, as may be necessary for their efficient management, which bye-laws, rules and regulations, when approved by said city council, shall be in force and valid, for the purposes aforesaid. Directors to make bye-laws, &c.

§7. The said board of directors shall appoint a Superintendent and such other officers as may be necessary for the government of said poor house and hospital, who shall receive such compensation for their services as shall be recommended by said board and approved by the city council, and they shall give such security for the faithful performance of their duty in the premises, as the said board of directors shall judge proper; and shall be governed in all respects by the rules and regulations of the board, and may be removed by them at pleasure. Directors to appoint Superintendent, &c.

§8. The Superintendent shall require all persons received into the poor house to perform such reasonable labor as may be suited to their ages and bodily strength; the proceeds of which labor shall be appropriated to the use of said poor house, in such manner as the board of directors may determine. Duties of Superintendent.

§9. That no person shall be admitted into said poor house as a pauper, unless upon the order of said board of directors, directed to the superintendent of said poor house, which order shall be accompanied by a statement of facts, signed by said board of directors, setting forth the name, age, birth-place, length of residence, previous habits and present condition of the person claiming to be a pauper, which order shall be carefully filed and preserved by such superintendent. Paupers admitted on the order of Directors.

§10. That when any person shall have been received into said poor house as a pauper, on account of any infirmity or disease, the board of directors may, when, in their opinion, such person is so far restored to health and bodily strength as to support himself or herself, direct the superintendent of said poor house to discharge such person therefrom. Paupers to be discharged.

§11. That the board of directors of said poor house shall yearly, and oftener when required by said city council, report to said city council the condition of the institutions under their charge, with a full and correct account of all their proceedings, contracts, receipts and disbursments; and the expense of supporting the said poor house and hospital shall be paid on the order of said board of directors, out of any money in the city treasury, specifically levied for that purpose. Directors to report annually. Expenses, how paid.

Council power to sell part of lands, &c.

§12. That the said city council shall, whenever they may deem it expedient, have power to sell and convey any portion of the lands purchased as aforesaid, and the proceeds arising from such sale, shall be paid into the city treasury.

Poor house not to be taxed.

§13. That the said poor house and hospital and all the property belonging thereto, shall be exempt from taxation, as long as the same shall be used for the purposes of charity contemplated by this act.

Council to examine books, &c.

§14. That said city council, or any member thereof, may visit and inspect said poor house and hospital at any time, and examine the books and accounts of said board of directors.

Directions to provide for township paupers, &c.

§15. That said board of directors may provide in their bye-laws, to be approved as aforesaid, for the admission into said poor house, on the application of the township trustees, and upon such terms as they may deem reasonable, of the paupers of that portion of the township of Cleveland not included within the limits of said city, and of the paupers of any of the other townships of Cuyahoga county.

Directors to perform duties of township trustees.

§16. That the duties of the trustees of the township of Cleveland, with reference to paupers and the township poor, shall, from and after the appointment of said board, by the council as aforesaid, be confined to that portion of said township not embraced within the limits of said city; and said board of directors are hereby required to perform within the limits of said city, all the duties of the nature aforesaid, which, but for the passage of this act, would have devolved upon the trustees of said township; and all provisions of law, not inconsistent with this act, applicable to the trustees of townships, in their capacity of overseers of the poor, shall be construed to apply to said board of directors.

Directors to give bond.

§17. That each of said board of directors, before entering upon the discharge of his duties, shall enter into bond to said city in such sum and with such security as said city council shall direct, conditioned for the faithful discharge of his duties as such director.

Annual tax to be determined by Council.

§18. That said city council shall, annually, after the appointment of said board of directors as aforesaid, determine the amount of tax to be levied for the support of said poor house and hospital, and for poor purposes generally for said city, and shall certify the same to the auditor of said county, in the same manner and at the same time, that the tax for general purposes in said city is determined, and certified by said city council, and the same proceedings shall thereupon be had with reference to such tax as in other cases of taxes levied by said city council; and the tax thereafter assessed for poor purposes by the trustees of said

township of Cleveland, shall be levied upon the property of said township, not included within the limits of said city.

Council to fix compensation of Directors.

§19. That said city council shall, annually, fix the compensation of the respective members of said board of directors in any sum said council may deem advisable; *Provided*, that the aggregate compensation of said board for any one year, shall not exceed the sum of four hundred dollars.—Passed, March 13th, 1849.

AN ACT

To amend the charter of the City of Cleveland.

Taxes, when determined.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Cleveland, shall, annually, between the first day of April and the first day of June, determine the amount of taxes necessary to be levied for the general expenses of said city; *Provided*, That the tax so to be determined shall not exceed two mills on the dollar valuation on the taxable property in said city, entered on the duplicate of the county auditor in each year.

§2. That said city council shall, also, annually, between the times aforesaid, determine the amount of tax necessary to be levied for the support and maintenance of common schools in said city; *Provided*, That the tax so determined shall not exceed four-fifths of a mill on the dollar valuation on the taxable property aforesaid.

Taxes for school purposes.

§3. That said city council may, if deemed expedient, between the times aforesaid, levy an additional tax annually, not exceeding three-fourths of a mill on the dollar valuation aforesaid, for the payment of the debts already contracted by said city, which shall be appropriated exclusively for the purposes for which it was received.

Discriminating taxes to be levied when necessary.

§4. That the said city council are hereby authorized in addition to the taxes above provided for, annually, between the times aforesaid, to levy any such discriminating tax as may be deemed necessary, either for the purpose of grading or otherwise improving any street or alley which is now, or may hereafter be laid out and established in said city, or for the purpose of paying the damages which may be sustained by any one by reason of the establishment of such street or alley; which levy for the purposes in this section mentioned, shall be governed by the provisions of the ninth section of the act passed March, one thousand eight hundred and thirty-six, entitled "An Act to incorporate the City of Cleveland," except where it is herein otherwise provided; *Provided*, That the land and tenements embraced in any such discriminating assessment, shall be listed in

the same manner, and by the same description as said lands and tenements are, or shall be described on the duplicate list for taxation of the county of Cuyahoga.

List of Discriminating assessments.

§5. That said city council are hereby authorized in their discretion, between the first day of April and the first day of June next, or between the same time in any succeeding years, to make out a list of any discriminating assessments which had been made by said city authorities previous to the passage of the act entitled "An Act to amend an act entitled an act to incorporate the city of Cleveland," passed March the twentieth, one thousand eight hundred and forty-one, and which assessments remain unpaid, and to determine whether the whole, or what portion of such assessments shall be collected during the succeeding year; which list, together with the portion of the respective assessments which said council shall order as aforesaid, to be collected during the succeeding year, and a list of all other discriminating assessments made under the provisions of the fourth section of this act, together with the description of the lands and tenements on which such assessments are made, and the amount of all other taxes levied and determined on pursuance of this act, shall be certified by the Mayor of said city, or president of the city council, to the Auditor of Cuyahoga County, on or before the first Monday of June, annually, and shall in all respects be collected and paid over in the manner pointed out in the act entitled "An act to amend an act entitled an act to incorporate the city of Cleveland," passed March the twentieth, one thousand eight hundred and forty-one.

Supervisor of streets, how paid

§6. That the Supervisor of streets of said city, shall hereafter receive, in lieu of any salary for his services as the Supervisor, such portion of all the poll taxes collected in said city during the year such supervisor may be in said office, as said council may determine.

§7. That hereafter, &c.

Aldermen, how elected.

§8. That hereafter, the Aldermen to be elected by the qualified voters of said city shall be elected for the term of three years; *Provided*, That the Alderman who shall be elected at the next annual election in said city, in pursuance of this act, shall determine by lot at the first meeting of the council after the election last aforesaid, which of their number shall serve for the term of one year, which for the term of two years, and which for the term of three years, which terms respectively shall be construed to be the terms for which they were elected.

All acts conflicting herewith repealed.

§9. That all acts or parts of acts which conflict with, or are inconsistent with the provisions of this act, are hereby repealed.—Passed, February 8th, 1847.

AN ACT

To encourage the organization of Fire Companies, and to repeal former acts.

Active members of Fire Companies exempt from certain duties.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That any person who is now, or shall hereafter become an acting member of any fire engine, hook and ladder, hose, or other company for the extinguishment of fire, or the protection of property at fires, now existing and in active operation, under the control of the corporate authorities of any city or incorporated town within the counties of Hamilton and Cuyahoga; or in active operation under the control of the corporate authorities of other cities in other counties; or of any such company which shall hereafter be organized under and subject to the authorities of any cities or towns coming within the provisions of this section, shall, during the time he may continue an acting member of such company, be exempted from the performance of military duty in time of peace, from labor on the highways, and from serving as a juror; *Provided,* That the privileges aforesaid shall not be extended to any but active duty members, furnished with all the apparatus or equipage necessary, and all other members who have become disabled from serving as firemen, while on the discharge of their duties as such; and, *provided,* also, that such members shall not be deprived of such privileges in consequence of temporary absence from the place where such company may be located, for a period of six months, *provided,* it was the intention of such absentees to return and continue their duties in said company.

When exempted from military duty.

§2. That any person who shall have been such member of any such companies as is described in the preceding section, and shall have faithfully discharged his duties as such for the term of five years, shall be forever thereafter exempt from the performance of military duty in time of peace; from labor on the highways, and from serving as a juror, so long as such person shall remain a resident of the city or town wherein he became so exempt, as aforesaid; or if the county of Hamilton, or the county of Cuyahoga, if he became exempt by virtue of service within the intent of this act, in said counties: *Provided,* That his said five years, service shall not be construed to mean only five consecutive years in the same company, but may consist of different periods of service, either in the same or in different companies at different times, in all amounting to five years.

After five year's service entitled to certificate.

§3. That any person who has served five years, shall be entitled to receive from the president or foreman of the company or companies of which he shall have been a mem-

ber, a certificate or certificates to that effect, specifying the length of time he shall have served; and on presentation of said certificate or certificates to the Clerk or Recorder of the proper city or town, it shall be the duty of said Clerk or Recorder to file the same in his office, and give his certificate, under seal, to the person entitled thereto, setting forth the name of the company or companies of which such person shall have been a member, and the length of time he has served in each company; and such certificate shall be received in all courts and places as *prima facie* evidence that said person is entitled to the exemptions hereinbefore mentioned.—Passed, February 8th 1847.

AN ACT

To amend the charter of the City of Cleveland, and the several acts amendatory thereto.

Election of Marshal.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That on and after the first Monday in March next, the Marshal of the city of Cleveland shall be elected and his duties (deputies,) appointed in the manner pointed out in the act entitled "An act to incorporate the city of Cleveland," passed March fifth, eighteen hundred and thirty-six: *Provided,* That said Marshal and his assistants shall be removable by the city council for neglect of duty, or other good cause, of which charge said Marshal shall first be notified specifically, and heard in his defence, before such removal shall be made.

Compensation of Marshal.

§2. That the city council shall annually fix the compensation of the city marshal in any sum not exceeding four hundred dollars, including all fees by him collected for services rendered in his capacity of Marshal; and said council shall also fix in like manner, the compensation of the assistant Marshals, at any sum not exceeding one hundred dollars each.

All acts inconsistent with this, repealed.

§3. That the seventh section of an act entitled "An act to amend the charter of the City of Cleveland," passed, February eighth, eighteen hundred and forty seven, and so much of all other acts as are inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed, February 18th, 1848.

AN ACT

To amend the act to Incorporate the City of Cleveland, and the acts amendatory thereto.

Salary of City Clerk.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the City of Cleveland

are hereby authorized to fix the compensation of the City Clerk, for the current year, at any sum not exceeding three hundred dollars; and the said council shall hereafter annually, and within two weeks after the introduction into office of the new council, fix the compensation for the ensuing year of the city Clerk, at any sum not exceeding four hundred dollars.—Passed, March 8th, 1849.

AN ACT

To extend the corporate limits of the City of Cleveland, and for other purposes.

Annexation of ten acre lots.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Cleveland, in the county of Cuyahoga, as lies without the corporate limits of the city of Cleveland, is hereby annexed to and made a part of the city of Cleveland.

Boundaries of Wards.

§2. That said city, until the city council see fit to increase alter or change the same, shall be divided into four wards, in the manner following, to wit: the first ward shall comprise all the territory lying within the following boundaries, to wit: beginning at a point in the middle of the Cuyahoga river, at its intersection with the center of Superior Street, thence along the center of said street to the public square, thence along the center of Euclid Street to the center of Erie Street, thence along the center of Erie st. to Kinsman street, thence along the center of Cross and First streets to the center of Second street; thence along the center of said Second street to the northerly line of original ten acre lot No. two, (2) thence along said north line to the middle of Cuyahoga river; thence along the middle of said river to the place of beginning.

The second ward shall comprise all the territory of said city lying east of the center of Ontario street and north of the center of Euclid street.

The third Ward shall comprise all the territory of said city lying north of the center of Superior street and west of the center of Ontario street.

The fourth ward shall comprise all the territory of said city lying south of the center of Euclid street and road, and east of the easterly line of the first ward as above described.

Annual election, when held, councilmen elected.

§3. The number of Councilmen for each ward hereafter to be elected at the annual charter election, shall be reduced to two, and the annual charter election of said city, shall, after the present year, be held on the first Monday of April.

Powers and duties of township Trustees and Clerk transferred to Aldermen and City Clerk.

§4. The offices of Trustees and Clerk of said township of Cleveland are abolished, and the powers and duties of such trustees are transferred to and vested in the Aldermen of said city, and the duties of said township Clerk are transferred to and enjoined upon the Clerk of said city of Cleveland. This section to take effect from the expiration of the term of the present incumbents of said township offices.—Passed, March 22, 1850.

AN ACT

Authorising the city council of the City of Cleveland to levy additional taxes, and establish a Board of Health.

Taxes, 3 mills for city purposes, 1 mill for school purposes.

§1. *Be it enacted by the general Assembly of the State of Ohio,* That the city council of the city of Cleveland is hereby authorised and empowered to levy a tax for city purposes, on the taxable property in said city, not exceeding three mills on the dollar valuation; and for the support of common schools, a tax not exceeding one mill on the dollar valuation, anything in the act incorporating said city, and the acts amendatory thereto, to the contrary notwithstanding.

Council to appoint Board of Health and prescribe its duties

§2. Said city council shall have power to establish a Board of Health for said city, and to prescribe by ordinance the number of its members, term of office, compensation, and the powers and duties of said Board, not particularly defined in this act. Said Board of Health shall have power to take such prompt and efficient measures as in their opinion may be necessary to prevent the introduction and spread of infectious, dangerous or pestilential diseases in said city, and for the prompt removal of any person or persons who may be found therein, infected with any such disease, in the manner pointed out by the ordinances of said city; and it shall be obligatory on the marshal and all other police officers of said city, to aid the Board of Health in the discharge of their duties under this act.

Duties of said Board.

§3. Said Board of Health shall make, or cause to be made, dilligent and thorough inquiries in respect to all nuisances of every description within said city, and whenever a nuisance of any kind shall be found, in any building or on any premises within said city, it shall be the duty of said Board to cause a written notice to be served on the owner or occupant of such building or premises, to abate or remove such nuisances forthwith; and if such nuisance shall not be abated or removed within two days from the service of such notice as aforesaid, said Board shall cause the same to be abated or removed, and the expense incurred in abating or removing such nuisance shall be paid by the owner of such

building or premises, and shall moreover be a lien on the lot and buildings erected thereon, and such expense may be recovered of such owner or owners of said premises, in an action of debt, in the name of said city, before the Mayor thereof, together with ten per centum thereon, and costs of suit; and in case an execution, issued on such judgment, shall be returned unsatisfied in whole or in part for the want of goods and chattels whereon to levy, said judgment, may be removed to the Court of Common Pleas of Cuyahoga county, and the collection thereof enforced in the same manner that judgments before a Justice of the Peace are removed and enforced against lands and tenements by execution or otherwise.—Passed, March 7th, 1850.

LAWS AND ORDINANCES

OF THE

CITY OF CLEVELAND:

IN FORCE 1851.

STREETS.

For the appointment of street Commissioner, and defining his duties.

Sec. 1. Street Commissioner.
2. His Duties defined.

§1. Be it, and it is hereby enacted, by the city council of the city of Cleveland, That there shall be appointed by said council a General Street Commissioner for the city of Cleveland. Title of Office.

§2. *And it is further enacted,* That the General Street Commissioners shall have the immediate superintendence of all the streets, lanes, alleys, and highways in said city, and it shall be his duty to direct when, where, and in what manner, work on the same shall be done. It shall also be his duty to examine the condition of the streets, lanes, alleys and highways, and to report the same to the city council, or to the standing committee on streets. But when repairs are necessary to save the streets from further damage, before he can have an opportunity to report as above, then he may repair the same forthwith, and report to the city council or standing committee afterwards, the place, nature and expense of such repairs. He shall also provide materials, and do all other acts necessary for the construction and repairs of streets, highways, or alleys, subject, however, at all times to the direction of the city council.—Passed April 23, 1836. Duties defined.

For the appointment of a Street Supervisor.

§1. *Be it ordained, &c.,* That there shall be appointed a Supervisor for the city, who shall do and perform the duties prescribed to be performed by the Street Commissioner in the Ordinance to which this is an amendment, Title of office changed.

and who shall be subject to the restrictions in said Ordinance intended; and so much of said Ordinance as is contrary to this Ordinance, is hereby repealed; saving all rights and liabilities which have heretofore accrued in the same manner as if this Ordinance had never been passed. Passed March 22, 1838.

TO REGULATE STREETS.

SEC. 1. Streets to be swept semi-monthly, on Friday mornings.
2. Drains and sewers not to be obstructed.
3. Earth and gravel not to be taken from streets.
4. Side walks not to be encumbered by boxes, &c.
5. Horses not to be fastened so as to interrupt passage.
6 Stone, timber, &c., not to be placed in streets.
7. No person to drive on side-walks.
8. Signs not to project over three feet into the street.
9. Awning to be seven feet above side-walks.
10. Building materials not to be placed in streets.
11. Mayor or councilmen may grant permission to place building materials in streets.
12. Penalty in not complying with permits.
13. Waggons &c. not to be left in the streets to be repaired.
14. Rubbish, &c., not to be thrown upon the bank of the lake.

Streets to be cleaned semi-monthly.

§1. *Be it ordained, &c.*, That every owner or occupant of a house, building or vacant lot, or persons having charge of the same, west of Erie street, and east of the Cuyahoga river, and Division street, and south from Lake Erie, including Bolivar street, with the exception of Superior street, shall before ten o'clock on Friday forenoon every two weeks from the first day of April till the first day of November, each year, cause the side-walks, streets, or lanes on which such houses, buildings or lots may front, to be thoroughly cleaned, and the dirt, manure, or filth to be collected into heaps convenient to be carted away, and previous to being so cleaned, the same shall be sprinkled with water so as to prevent the dust from rising; and for each and every neglect or refusal to comply herewith, the owner, occupant or person having charge of such house, building or lot, shall forfeit the penalty of one dollar: *And it is further ordained,* That Superior street be cleaned on the forenoon of Friday of each week, as provided in this section; and it is hereby made the duty of the marshal to cause the dirt, manure and filth so heaped up to be removed.

Sewers & Drains not to be obstructed.

§2. No person shall cast, throw, or cause to be thrown into any of the streets, lanes, gutters, drains or sewers, within the city, any straw, shavings, wood, stones, earth, sand, rubbish, filth, or anything that may cause obstruction, nuisance or injury to the same, under the penalty of not less than one nor more than ten dollars.

Earth not to be taken away from streets.

§3. No person shall, without permission from the city council, dig, remove, or carry away, or cause the same to be done, any stone, earth, sand, or gravel, from any street,

lane, highway or public ground in this city, under the penalty of five dollars for each offence.

Side-walks not to be encumbered.

§4. No person shall place or deposite any cask, wood, stone, plank, boards, or other articles, on any side-walk, except as hereinafter provided, under the penalty of one dollar for each offence, and a like penalty for each and every two hours such obstruction shall remain, after being notified by the mayor, councilmen, or marshal, to remove the same. And no person shall place or set out, or cause the same to be done, any goods, wares or merchandise, for sale in front of any store, shop or other building, further than four feet into the street, under the penalty of five dollars for each offence.

Horses not to be fastened in streets.

§5. No person shall at any time fasten any horse or horses in such a way that the reins or lines shall be an obstacle to the free use of any side-walk, under the penalty of one dollar for each offence, and the person in whose possession or use such horse or horses shall then be, shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be brought. No person shall immoderately ride or drive any horse or horses in any street, lane or highway in said city, and if any person or persons shall be convicted thereof, he or they shall forfeit for each offence a penalty of not less than two nor more than ten dollars.

Streets not to be encumbered.

§6. No person shall place or deposite any cask, boxes, crates, wood, stone, plank, boards, or other articles, on any side-walk, except as provided by the fourth section; nor shall any person deposite or leave any of the articles above mentioned in any of the streets of this city for any longer period than shall be deemed by the mayor or two members of the council unavoidably necessary, previous to removal away from the adjoining premises, under the penalty of one dollar for each offence, and a like penalty for each and every two hours such obstructions shall remain, after being notified by the mayor, or an alderman, or councilman, or the marshal, or street commissioner, to remove the same.

Persons not to drive on Side-walks.

§7. No person shall push or draw, back or drive any horse, cart, wagon, or other vehicle, over any side-walk, or use, ride, or drive any horse, wagon, sled or sleigh thereon, unless it be in crossing the same to go into a yard or lot, under the penalty of one dollar for each offence.

Signs not to project more than three feet.

§8. No owner or occupant of any dwelling house, store, or other building, shall fix, put up, erect or suffer to remain fixed, put up, or erected, any sign projecting into or over the street or side-walk more than three feet, under a penalty of five dollars for each and every offence, and a like

penalty of five dollars for refusing to remove the same for each and every forty-eight hours the same shall remain, after being requested to remove the same by the mayor, or an alderman, or councilman, or the marshal: but nothing herein contained shall prohibit the erection of tavern signs, awning, lamp, or other posts; and no bow window or other window shall hereafter be erected so as to extend into any street more than fifteen inches, and no porch, stoop or steps, cellar door or platform, shall extend into any street more than five feet; and any violation of this section or any part thereof, shall subject the persons offending to the penalty of five dollars, and the further penalty of five dollars for every day such offender shall so continue the same, after being notified to have the same taken down.

Awnings regulated.

§9. No person shall erect any awning made of cloth in any street or lane, unless the same shall be at least seven feet elevation from the side-walks, and shall be supported by a rail placed on posts erected at the outer edge of the side-walks, and with the rail therein shall be at least seven feet in height from the side-walk, and if any person shall erect any awning contrary hereto, he shall forfeit the sum of three dollars, and for every day he shall continue the same, after notice to have the same taken down, shall forfeit the sum of one dollar.

Stone, timber, &c. not to be placed in streets without permission.

§10. No person shall place or cause to be placed, any stones, timber, lumber, plank, board, or other materials for building, in or upon any street, lane or public square, without a written permission for that purpose first obtained from the mayor, or one of the council, under the penalty of two dollars for each offence, and the further penalty of two dollars for each and every forty-eight hours during which the articles or materials aforesaid, shall be or remain in any such street, alley, or public square, [without permission as aforesaid,] after notice from the mayor, or any alderman, councilman or marshal, to remove the same.

Mayor or Councilman may grant permission.

§11. The mayor, or either of the council, is authorised to grant to any person permission in writing, to place and keep any building materials in any of the public streets, for a period of time not exceeding four months; but such permission shall not authorise the obstruction of more than one-half of the side-walk and one half the carriage way of said street, opposite to the lot on which an erection is to be made, by the person to whom such permission is granted, and such permission may be revoked at any time by the city council, in their discretion.

Penalty.

§12. Every person to whom permission is granted as aforesaid, shall cause all the timber, building materials, and rubbish therefrom, to be removed from the street, by the

expiration of the time limited in such permission as aforesaid, under the penalty of one dollar for every forty-eight hours the timber, materials, or rubbish aforesaid, shall be and remain in such street, after the expiration of the time limited in the permission granted as aforesaid, but no single recovery shall exceed the sum of twenty-five dollars.

Wagons, &c., not to be left in streets.

§13. No person shall suffer any carriage, wagon, cart, sleigh, or sled, without horses or other beasts of burden, for the purpose of being repaired, or for any other purpose, to remain or stand in any street or lane, for more than one hour, under the penalty of one dollar for each offence.

Rubbish not to be thrown upon the banks of the Lake and River.

§14. No person shall throw, place or deposite, or cause the same to be done, any manure, stones, bricks, chips, straw, wood, or any other filth or rubbish upon the bank of the lake or river, or on either of them, west of Erie street, within the bounds of the city, and any person convicted under this section, shall forfeit and pay not less than one nor more than ten dollars for each offence.

This ordinance shall take effect from and after the fourteenth of May instant.—Passed May 9, 1836.

To amend the Ordinance entitled "An Ordinance to Regulate Streets.

§1. *Be it ordained, &c.,* That so much of the Ordinance passed May 9th, 1836, making it the duty of the marshal to cause to be removed the dirt, manure, and filth heaped up in the streets and gutters, be so amended as to make it the duty of the street supervisor to do the same.—Passed April 3, 1839.

Regulating Side-Walks.

Width of Side-Walks.

§1. *Be it ordained, &c.,* That all side-walks shall be made under the direction of the city surveyor, and shall be of the width following, to wit: On eight rod streets, twenty feet; six rod streets, sixteen feet; five rod streets, sixteen feet: four rod streets, fourteen feet; on all three rod streets, or lanes, nine feet, except Superior lane, and St. Clair lane, which shall remain as now established. Every person constructing any side-walk, contrary to the requirements of this section, and every person permitting any side-walk so constructed to remain sixty days, after having been notified by the marshal to remove or change the same, shall forfeit and pay for every such offence, the sum of fifty dollars, and the like penalty for each and every week the same shall remain after such notice as aforesaid, provided that all ornamental or shade trees that have been set out with reference to the present width of side-walks,

shall be permitted to remain as they now are, for the period of one year from the passage hereof.—Passed May 26, 1836.

For Flagging certain Side-walks therein named.

Certain Side-Walks to be paved.

§1. *Be it ordained, &c.,* That every owner of real estate fronting on that part of Superior-street which lies west of the public square, and every person owning land fronting or abutting on Superior-lane, or on that part of Water st. which lies south of St. Clair street, shall cause the side walk in front of the same, to be flagged with stone or brick under the direction of the city engineer, and in conformity with the law regulating side-walks, on or before the first day of December next. And every person owning land as aforesaid, who shall fail to comply with the requirements of this section, within the time herein specified, shall forfeit and pay therefor the penalty of fifty dollars for every twenty feet of side-walk that shall remain so unflagged; and an additional penalty of twenty dollars for each and every week the same shall so remain after the time limited as aforesaid.

§2. That the street commissioner shall cause the crossings of said streets and lanes, at their intersection with other streets and lanes, to be paved with suitable materials, under the direction of the city engineer, within the time limited in the preceding section, and report the expense thereof to the city council.—Passed July 13. 1836.

For continuing Centre street from Bank street to Seneca street.

Centre street from Bank to Seneca street.

§1. *Be it ordained, &c.,* That Centre street be laid forty one feet wide from Bank street to Seneca street. The south line thereof to commence on the east side of Bank street, sixteen rods from the north line of Superior street, and to run parallel with Superior street, and the same is hereby declared established a public street or highway in said city.—Passed October 26, 1836.

To provide for clearing Side-walks and Gutters.

Side-walks to be cleaned from snow and ice.

§1. *Be it ordained, &c.,* That the occupant of each and every tenement, or building in said city, fronting upon any street, the side-walk of which is flagged with stone or brick, or the owner of any unoccupied lot fronting as aforesaid, shall clear the side-walk and gutter in front of such tenement or building, or unoccupied lot, as the case may be. of snow and ice, by nine o'clock in the forenoon of each day, and cause the same to be kept clear from snow and ice; and every person omitting to clear off such side-walk

and gutters by the hour in the forenoon above named, or to keep the same free from snow and ice for the space of twenty-four hours after the snow has fallen or accumulated upon such side-walk or gutter, shall forfeit the sum of two dollars, to be recovered before the mayor, with costs, and the like penalty of two dollars for every twelve hours such side-walk or gutter shall remain so encumbered after notice from the mayor or marshal to clear the same.—Passed November 30, 1836. Snow and ice to be cleared from side-walks.

To establish Crown-Street.

§1. *Be it ordained, &c.,* That a street forty feet wide, and extending from Superior-street to Euclid street, in said city, the westerly line thereof to be as follows: Beginning at a point in the northerly line of Euclid street one hundred feet easterly (measuring upon said northerly line of Euclid street,) from where the westerly line of original lot No. 91 intersects said north line of Euclid street; thence north ten degrees, ten minutes, west at right angles with Euclid street one hundred feet to the easterly line of said lot No. 91; thence north thirty-four degrees west along said easterly line of said lot to Superior street, be and the same is hereby laid out and established a public highway in said city, which street shall be called and known as Crown street.—Passed February 15, 1837. Crown-street.

To lay out and establish Hickock's Alley.

§1. *Be it ordained, &c.* That an Alley, running from Euclid street to Prospect street, through lots No. 88, 100, and 99, in the city of Cleveland, to wit: of one rod in width, excepting at the circle herein specified; the easterly line commencing upon the southerly line of Euclid street, 3 chains and 52½ links from the easterly corner of the public square; running thence south ten degrees ten minutes east, at right angles with Euclid street, 2 chains 28½ links to a post set in the periphery of a circle; thence south 57¾ degrees east 21 feet 5 inches to a post set in the periphery of said circle; thence south 19 degrees 53 minutes east to the northerly line of Prospect street; the radius of said circle 16 feet 1 inch, and the centre thereof 4 chains 49 links 5 inches distant from the northerly line of Prospect street, measuring on the westerly line of said Alley, and is six inches easterly from the continuation of said westerly line, be and the same is hereby laid out and established a public highway.—Passed March 15, 1838. Hickock's Alley.

To vacate and re-establish St. Clair lane from Water street to the Cuyahoga river.

St. Clair-lane vacated.

§1. *Be it ordained &c.*, That St. Clair lane (running from Water street to the Cuyahoga river,) as heretofore recorded, be and the same is hereby vacated.

Re-established 3 rods in width.

§2. That a lane, which shall be called St. Clair lane, is hereby laid out and re-established three rods wide, from Water street to the Cuyahoga river, by taking two rods of land from original lot No. 200, and one rod from original lot No. 201, said lane running between said original lots, and said lane shall be ranked among the lanes and public highways of the city.—Passed April 25, 1838.

To amend an Ordinance regulating Side-Walks.

Amendatory to side-walks.

Be it ordained, &c., That so much of an Ordinance entitled "An Ordinance to regulate side-walks," passed May 23d, 1836, as relates to the establishing of the width of the side-walks on Euclid street, be and the same is hereby repealed.

§2. That the side-walks on Euclid street be and the same are hereby established twelve feet wide.—Passed June 20, 1838.

To lay out and establish Wall-Street.

Wall-street boundaries.

§1. *Be it ordained, &c.*, That a street under the name and title of Wall street, be and the same is hereby laid out in said city, and bounded as follows: The southerly line of said street, commencing westerly at the west line of Water street, at a point northerly from the north line of Lake street five hundred and eighty feet; from thence running easterly on a line nearly parallel with said Lake street to the east line of Ontario street, at a point five hundred and forty feet from the north line of said Lake street; from thence continuing easterly to the east line of Erie street, at a point five hundred and twenty feet from said Lake street, and on a line connecting the aforesaid points. The northerly line of said Wall street to be sixty feet from its southerly line and parallel thereto; and the same is hereby established a public highway under the name and title of Wall street.—Passed August 8, 1838.

To vacate a part of St. Clair-lane.

Part of St. Clair lane vacated.

§1. *Be it ordained, &c.*, That so much of St. Clair lane as lies south of the southerly line of Union lane and westerly of River street, be and the same is hereby vacated.—Passed November 7, 1838.

To amend an Ordinance to regulate streets, passed May 9th, 1836.

§1. *Be it ordained, &c.*, That no person shall suffer any waggon, cart, sleigh, or sled, loaded with wood or hay, to stop [except for the purpose of unloading,] in front of any store, shop, or dwelling-house, in Superior street west of the public square, so as to prevent any person on foot, on horseback, or in a carriage, from walking, riding or driving up to the side-walk, or railing, in front of such store, shop or dwelling-house, under the penalty of two dollars for each offence. Front of side-walks to be kept clear.

§2. Every person bringing any waggon, cart, sleigh or sled, loaded with wood or hay for sale, into Superior street, west of the public square, in this city, shall take up a position in the middle of said street, and no two waggons, sleighs, or sleds, shall stand abreast, or along side of each other, in said street, under the penalty of two dollars for each offence.—Passed March 23, 1840. Wood carts, &c. how to stand.

To preserve Shade and Ornamental Trees in the streets and public grounds of the City of Cleveland.

§1. *Be it ordained &c.*, That if any person or persons shall wilfully injure any shade or ornamental trees, standing in the streets or public grounds of the City of Cleveland, they shall forfeit and pay the sum of ten dollars, and costs of prosecution. Penalty for injuring shade trees.

§2. That no person or persons shall fasten any horse or other animal which could do injury to trees, to any shade or ornamental trees, or to the protections around the same, within said streets and public grounds, and if any person shall violate the provisions of this section, they shall forfeit and pay the penalty of one dollar, with the costs of prosecution. Animals not to fastened to shade trees.

§3. This Ordinance to take effect May 1, 1840.—Passed April 7, 1840.

To vacate Carroll Place, Clinton street, and certain Alleys therein described.

§1. *Be it ordained, &c.*, That Carroll Place, Clinton st. an alley twenty-feet wide running from Erie street to Clinton street, parallel with St. Clair street and 132 feet southerly therefrom, also an alley parallel with the one above described, twenty feet wide, and 132 feet south from Carroll Place, and also an alley twelve feet wide running from the last mentioned alley to St. Clair street, parallel with Erie street and 120 feet east therefrom, as far as the same extends over any part of the Two Acre Lots Nos. 170, 171, 172, 173, 174, 175, 176 and 177, be and the same are hereby vacated.—Passed September 15, 1840. Vacating Carroll Place, Clinton st. and certain alleys

For the continuation of Pittsburgh street.

Pittsburgh street continued.

§1. *Be it ordained, &c.,* That Pittsburgh street be continued from its westerly termination to Huron street; its width to be six rods, and its course north 58¼ degrees west, and the same is hereby declared a public highway.—Passed June 30, 1841.

In relation to Side-Walks on Superior street.

Dry Goods &c., not to be hung on side walk railings.

§1. *Be it ordained &c.,* That no dry goods, buffalo skins, buffalo robes, leather, or any other article exposed for sale, shall be placed upon or hung up on the outer posts or railings of the side-walks on Superior street, in said city, or upon the rails leading from the buildings to the outer rails on said side-walks.

Penalty.

§2. That any person or persons violating any of the provisions of this Ordinance, shall, upon conviction thereof before the mayor, be fined in any sum not less than five nor more than one hundred dollars, at the discretion of the mayor, together with costs of prosecution.—Passed October 3, 1841.

To repeal all Ordinances heretofore passed relating to Poll taxes.

Repeal of all poll tax ordinances.

§1. *Be it ordained, &c.,* That all Ordinances relating to Poll Taxes, and the amendments thereto, heretofore passed be and the same are hereby repealed.

Manner of collecting road or poll tax.

§2. And it shall be the duty of the street supervisor of this city, to discharge the duties assigned him according to the city charter, and laws of this state prescribing the duties of supervisors, relating to roads and highways and road taxes.—Passed April 25, 1842.

OF THE PREVENTION AND EXTINGUISHMENT OF FIRES.

Of the Prevention of Fires.

SEC. 1. Stove pipes, how to be put up.
2. Hay, straw, &c., not to be put in exposed situations.
3. No lighted lamp or candle to be used where hay or straw are kept.
4. Hay, &c., not to be burnt in streets.
5. Shavings, &c., to be moved from shops three times in each week.
6. Combustible matter not to be scattered in streets.
7. Fire Warden to examine premises.
8. Penalty for obstructing Fire Wardens.
9. Powers and duties of Mayor and Councilmen as to boats containing powder.
10. Fire not to be carried openly in streets.
11. Ashes, how to be kept.
12. Squibs, &c., not to be fired without permission.
13. Cannon not to be fired without permission.
14. Houses to have scuttles.
15. Fire buckets to be kept by owners of houses.

Stove pipe to be secured.

§1. Be it ordained, &c., That no pipe of any stove or Franklin shall be put up unless it be conducted into a chimney made of brick or stone, except in cases where the mayor, or any two aldermen, or councilmen, shall deem it equally safe if otherwise put up, to be certified under his or their hand; and any person putting up the pipe of any stove or Franklin contrary to this section, shall for every offence forfeit five dollars, and the further sum of one dollar for every twenty-four hours the same shall remain so put up after notice given by the mayor or fire warden.

Hay, Straw, &c., not to be kept in exposed situations.

§2. No hay, straw, or other combustible substance, shall be deposited within fifteen feet of any place where fire or ashes are kept, unless the said combustible substance be kept, in a close and secure building, under the penalty of one dollar for every offence, and the like penalty for every twenty-four hours the same shall thereafter remain.

Candles & lamps not to be used without lanterns.

§3. No lighted candle or lamp shall be used in any stable, or other place or building where hay, straw, or other combustible materials shall be kept, unless the same shall be well secured in a lantern, under a penalty of two dollars for each offence. And no fire shall be used or kept in any stove or otherwise, in any such building, without permission from the mayor, under a penalty of ten dollars; and an

additional penalty of five dollars for each and every twelve hours that said fire shall so remain.

Combustibles not to be burned in streets.

§4. No hay, straw, chips, shavings, or other combustible substance, shall be set on fire or burned in any street, or on any lot within two hundred feet of any building, in the city, without permission of the mayor, an alderman, or a councilman, under the penalty of five dollars upon any person directing or causing the same to be done; and it is hereby made the special duty of the marshal and the general street commissioner to enforce the requirements of this section.

Joiners to clear out shops.

§5. Every person keeping or occupying a shop wherein shavings or other combustible matter may be contained, shall, under a penalty of two dollars for every neglect, clean and remove the same out of such buildings and the yard belonging thereto, at least three times in each week; provided said buildings are situated within two hundred feet of any other building. And no lighted candle shall be used in any such shop or building, except it be placed in a candlestick of a material not liable to take fire, under the penalty of two dollars for every offence.

Shavings, &c. not to be scattered in streets.

§6. No person, in removing any chips, shavings, or other combustible matter, shall scatter or throw them in any street or shall at any time direct, permit or suffer any chips, shavings, or other combustible matter, to be taken to, or thrown or scattered on any street or lane, under a penalty of two dollars for every offence.

Fire wardens to examine premises.

§7. It shall be the duty of the fire wardens, in their respective wards, to examine carefully, and at all times during the year, under the direction of the city council, every house, store, or building, and places for the keeping and deposite of ashes; and to ascertain and report to the city council all violations of the preceding sections; and also to remove or abate, with the consent of the mayor, or any alderman or councilman, [and in neglect or refusal of the owner or occupant,] any cause from which immediate danger of fire may be apprehended; and to cause all buildings, chimneys, stoves, stove pipes, hearths, ovens, boilers, ash-houses, and apparatus used in every building or manufactory, which shall be found in such condition as to be considered unsafe, to be, without delay, at the expense of the owner or occupant thereof, put in such condition as not to be dangerous in causing or promoting fires.

Penalty for obstructing fire wardens.

§8. If any person shall obstruct or hinder any warden in the performance of his duty under the preceding section, such person shall for every such offence forfeit the penalty of twenty-five dollars.

§9. The mayor, any alderman, or a councilman, may give such directions as he may deem proper, relative to the

laying, fastening, and berths of all boats having on board gunpowder, or being loaded with hay or other combustible materials; or to direct such gunpowder, hay, or other combustible matter, to be removed to a place of safety; or if gunpowder, to be placed in a powder-house, within such time and in such manner as either of said mayor, alderman or councilman, shall direct: and it shall be lawful for either the said councilman, alderman, or mayor, with the aid of the marshal, or any constable, to put in force, himself, the orders or directions so given. Every person who shall refuse or neglect to obey the directions or orders given under this section, shall for every offence forfeit twenty-five dollars. Gunpowder on boats.

§10. No person shall carry fire in or through any street or lot, except the same be placed or carried in some close and secure pan or other vessel, under the penalty of one dollar for each offence. Fire not to be carried in streets.

§11. No ashes, (except at the manufactories where ashes are used,) shall be kept or deposited in any part of the city, unless the same be in a close and secure metalic or earthen vessel, or brick or stone ash-room, under the penalty of three dollars for every offence, und a further penalty of one dollar for every twenty-four hours the same shall thereafter remain. Ashes, how to be kept.

§12. No person shall fire or set off any squib, cracker, gunpowder, or fire-works, or fire any gun or pistol, in any part of the city, unless by permission of the mayor, or two aldermen and councilmen, under the penalty of two dollars for each offence. Repealed, see amendment.

§13. Every person firing a cannon within the city, unless by permission of the mayor. two aldermen, or councilmen, shall forfeit the penalty of not less than five dollars. Cannon not to be fired.

§14. Every dwelling-house, or other building more than one story in height, within the city, shall have a scuttle through the roof, and a convenient stairway or ladder to the same: and any person constructing such dwelling-house, or other building, without having such a scuttle, and every owner of any such house or building now erected, (not having other permanent and convenient means of access to the roof,) neglecting to comply with the requisitions of this section for the space of thirty days after notice, shall forfeit twenty-five dollars, and the further sum of five dollars for every ten days the non-compliance shall continue to exist. Buildings to have scuttles.

§15. Every dwelling-house, or other building containing one fire place or stove, shall have one good painted leather fire bucket, with the initials of the owner's name painted thereon. Every building with two or more fire places or stoves, shall have two such buckets, and one additional buck- Every building to have fire buckets.

et for every two additional fire places or stoves. Every owner of such building not provided with buckets as aforesaid, shall forfeit two dollars for each deficient bucket, and the further sum of one dollar for each month after notice being given by a fire warden.—Passed May 7, 1836.

To Amend an Ordinance for the Prevention of Fires, passed May 7, 1836.

Squibs, crackers, guns, pistols, &c. not to be fired without permission.

§1. Be it ordained &c. That no person shall fire or set off any squib, cracker, gunpowder or fire works, or fire any gun or pistol in any part of the city within the old corporation limits, unless by permission of the mayor, or two aldermen, or councilmen, under the penalty of four dollars for each offence—the complainant to have one fourth of the fine.

12th section repealed.

§2. The twelth section of the Ordinance, to which this is an amendment, is hereby repealed, saving all penalties that have accrued to the city under the same.—Passed June 13, 1836.

To amend an Ordinance for the Prevention of Fires, Passed May 7, 1836.

Stove pipe to be secured.

§1. Be it ordained &c. That no pipe of any stove or Franklin, shall be put up, unless it be conducted into a chimney made of stone or brick, except in cases where the mayor, or any two aldermen or councilmen, shall certfy the same to be equally safe against fire : and any person putting up the pipe of any stove contrary to this section, or the owner or occupant who shall suffer any pipe to remain put up contrary to this section, shall forfeit the penalty of five dollars, and the further sum of one dollar for each twenty-four hours the same shall remain so put up, after notice given by the mayor or fire warden.

Duties of fire wardens.

§2. That when any fire warden, in the performance of his duty by virtue of the seventh section of the Ordinance to which this is an amendment, shall deem any building, chimney, stove, stove pipe, hearth, oven, boiler, ash-house, or apparatus used or suffered to be used in any building or manufactory, unsafe, and shall direct any thing to render the same more safe against fire, the owner or occupant thereof shall comply with such order or direction of the warden, with as little delay as the nature of the case will admit, and in default thereof forfeit and pay not less than five nor more than fifty dollars with the costs of suit.

§3. Every dwelling-house, or other building containing one fire place or stove, shall have one good painted fire

bucket, with the owner's name painted thereon, to contain two and a half gallons; and every building containing four fire places or stoves, shall have two such buckets, and for every six additional fire places or stoves, one bucket. Every owner of such building, not provided with buckets as aforesaid, in case such owner is a resident of the city, or if not a resident, then the occupant of such building, shall forfeit two dollars for each bucket. Dwellings, &c. to have fire buckets.

§4. Every owner of a dwelling-house shall forthwith erect or procure, a close, secure, metalic or earthen vessel, or brick or stone ash-room, and on failure thereof shall forfeit the penalty of three dollars, and a further penalty of one dollar for every twenty-four hours the same shall be neglected or omitted after notice has been given by a fire warden.—Passed November 30, 1836. Ashes, how to be kept.

OF THE EXTINGUISHMENT OF FIRES.

To Regulate the Fire Department.

SEC. 1. Who to compose Fire Department.
2. Chief Engineer to report to Common Council.
3. Assistant Engineers, and their rank.
4. Fire Wardens, their duties at fires
5. Fireman to be divided into Companies.
6. Firemen to be under Foreman and Assistant.
7. Apparatus to be kept ready for use.
8. Penalty for neglecting to attend meetings.
9. Penalty for not attending at fires and obeying orders.
10. Sextons of churches to ring bells.
11. Engines not to be used for private purposes.
12. Firemen to wear caps of certain descriptions.
13. Hook and Ladder men.
14. Buildings may be ent down in certain cases.
15. Hooks and Ladders, how to be kept.
16. Foremen to attend at fires in all cases.
17. Hosemen to attend at fires.
18. Duties of Hosemen.
19. Duties of Hosemen continued.
20. Badges of Mayor, Aldermen and Councilmen at fires.
21. Badge of Chief Engineer.
22. Badges of Assistant Engineers.
23. Badges of Fire Wardens.
24. Foremen, how to be distinguished.
25. Foremen of Hook and Ladder Companies.
26. Assistants, how distinguished.
27 Chief Engineer to report delinquents.
28. Duties of Constables at fires.
29. Duties of Citizens at fires.
30. Citizens to aid in drawing Engines.
31. Penalty for refusing.
32. Penalty for injuring apparatus.

Fire Department

§1. Be it ordained, &c. That the Fire Department of the city of Cleveland, shall consist of a chief engineer, two assistant engineers, ten fire wardens, in addition to the aldermen and councilmen, (who are ex-officio fire wardens,) and such fire engine men, hose men, hook and ladder and axe men, as are or may be from time to time appointed by the city council.

Chief Engineer's duty at fires.

§2. The chief engineer, or in his absence the assistant engineers, shall, in all cases of fire, have the sole and absolute control over all the engineers, and other persons of the fire department; and it shall moreover be the duty of the chief engineer to report semi-annually to the city council, at their first meeting after the first day of May and October in each year, the condition of the reservoirs, engines, hose, hooks and ladders, and all other fire apparatus, and the buildings in which they are kept; and also to recom-

mend such additions, alterations, and improvements in the same, as he may deem expedient; and also the names of such firemen as have disobeyed orders, or neglected or refused to attend to their duty, and the names of persons recommended by the respective companies to fill vacancies.—And whenever the engines or other fire apparatus shall want repairs, he shall, with the committee on the fire department, cause the same to be done immediately.

Assistant Engineers.

§3. The assistant engineers shall be distinguished as engineers numbers one and two, and they shall assist the chief engineer, and obey his orders for the extinguishing of fires, and in the absence of the chief engineer, take command according to rank.

FIRE WARDENS.

Fire Wardens.

§4. Every fire warden (except those ex-officio fire wardens,) shall be assigned and attached by the mayor to such company of firemen having charge of a fire engine, as he shall think proper, and at every fire each warden shall report himself to the chief engineer, and be subject to the direction of the chief engineer and other engineers of the fire deparment; and it shall be the duty of said fire wardens, immediately on the alarm of fire, to repair to the place of the fire, and aid and assist in procuring supplies of water to such engines as the chief engineer or other engineers may direct. It shall be the duty of the said wardens to prevent the hose from being trodden on, and keep all idle and suspected persons from the vicinity of the fire. They shall also cause the bye-standers to form ranks for the conveyance of water, if requisite, and the citizens are hereby enjoined to comply with the orders and directions of said wardens.

FIRE COMPANIES.

Frie companies.

§5. The firemen shall be divided into companies, to consist of as many members as the city council shall from time to time direct, to attend to the fire engines, hose cars, hooks and ladders, axes, saws, and other fire apparatus belonging to the city of Cleveland; and each of the companies shall on the first Monday of May in each year, choose from their own number, a foreman, assistant foreman, treasurer and clerk, in such manner as they may think proper.

How manage.

§6. The different fire companies shall be under the direction and control of the foreman and assistant, and upon an alarm of fire, the said companies shall immediately repair to the place of the fire with the engines, hose, hooks

and ladders, and other implements under their care, and there work and manage the same, under the direction of the chief engineer and his assistants ; and in case of their absence, place and work their engines and fire apparatus in the most effectual manner, until the fire shall be extinguished, and shall not remove therefrom, but by permission of an engineer, and on such permission, they shall return their respective engines, hose cars, hooks and ladders and apparatus, well washed and cleansed, to their respective places of deposite.

Fire apparatus, how kept.

§7. The foreman, or person having charge of engines, or other apparatus, shall have the same kept in the best order for immediate use : And for the more effectual perfecting the firemen in their duty, and keeping and preserving the said engines and other implements and apparatus from decay, the said firemen shall, on the first Tuesday of each month, meet at their respective engine houses, and on the first Tuesday of May, June, July, August, September, October and November, draw out their fire engines, and other implements committed to their care, in order to work and cleanse them, and to exercise the men ; and every foreman neglecting his duty under this section shall forfeit for each offence the penalty of three dollars.

Firemen to attend to duty.

§8. If any fireman shall refuse or neglect to attend at any meeting of his company for exercising the men, or cleansing the engine or other fire apparatus, to which he is attached, he shall forfeit and pay for every such default, the penalty of fifty cents, unless he be exonerated therefrom by the vote of two-thirds of the company.

Firemen to attend fires.

§9. If any fireman shall neglect to attend at fires without sufficient excuse, or shall refuse or neglect to do his duty in working his engine, or other fire apparatus provided for extinguishing fires, or shall disobey the orders of the chief engineer, or assistant engineer, or foreman or assistant foreman of companies, or shall leave his engine or other fire apparatus, while at a fire, without permission from the acting foreman, he shall forfeit and pay for every default, the penalty of one dollar, and be subject to be expelled from the fire department.

Sextons to ring bells.

§10. The sextons of the several churches which now are, or hereafter may be furnished with bells, shall immediately, on the alarm of fire, repair to the several churches with which they are connected, and diligently ring the bells of said churches, during twenty minutes, and in such manner as directed by the chief engineer, unless the fire be sooner extinguished, under the penalty of two dollars for every such omission.

§11. If any person, having charge of an engine, or oth-

er fire apparatus, shall suffer or permit the same to be applied to private uses, without the consent of the mayor, chief engineer, or the city council, he shall forfeit the penalty of five dollars, besides being responsible for all damages. Engines, &c. not to be used for private purposes.

§12. Every fireman, (not an officer,) attached to a fire engine, when on duty, shall wear such uniform as shall be required by the bye-laws of the company to which he may belong. Firemen to wear uniform.

HOOK AND LADDER AND AXE MEN.

§13. A sufficient number of persons shall be selected by the city council from among the firemen, to take the care and management of the hooks and ladders, axes and saws, as part of the tools and implements for extinguishing fires, and they shall be under the direction of a foreman and assistant foreman, and they shall be exempt from penalties for not attending to the cleansing or working of the engines. Hooks and Ladders.

§14. At fires, the said hook and ladder and axe men shall regularly attend with their tools and implements, and there be under the direction of the chief engineer and his assistants, and by the direction of the mayor, and the city council, or any three members thereof, cut down and remove any building, erection or fence for the purpose of checking the progress of the fire. Duties of Hook and Ladder and Axe men at fires.

§15. The said hooks and ladders, axes and saws, shall be kept in some safe and convenient place, to be designated by the city council; and the foreman or assistant foreman, shall, at least once a month, examine their state and condition, and shall cause them to be kept in a perfect state of readiness for use. Hooks and Ladders to be kept safe.

§16. At every fire the foreman, or in his absence the assistant foreman, of each fire company, shall note the names of the absent members, and report the same to the chief engineer, and in default thereof shall forfeit and pay the penalty of three dollars. Foreman's duty.

FIRE HOSEMEN.

§17. A sufficient number of men shall be selected by the chief engineer, from the several engine companies, whose duty it shall be to convey the extra fire hose to every fire, and man or assistant foreman of the respective engine companies there distribute the same as may be required by the foremen. Hose Cars, men to take charge of.

§18. On arriving at the fire with the hose, two men shall remain at the hose car, the other hose men will repair to the fire engines to which they respectively belong. Duties of Hosemen.

Foreman and Assistant to Hose Company.

§19. It shall be the special duty of the hose men thus selected, to choose from among themselves a foreman and assistant foreman, who shall superintend the conveyance of the hose to and from fires, and to keep the same at all times in perfect readiness for use.

BADGES OF OFFICERS AT FIRES.

Officers to carry staffs of office.

§20. The mayor, aldermen, and councilmen, shall severally bear a staff with a gilded flame at the top, and not be required to bear any other badge of office.

Chief Engineer's badge.

§21. The chief engineer shall wear a leathern cap, painted white with a gilded front, and the words "Chief Engineer" painted thereon in black; and shall also carry a bright speaking trumpet with the words "Chief Engineer" painted thereon.

Assistant's badge

§22. The assistant engineers shall wear leathern caps, painted white, except the combs. which shall be black, with a gilded front, and the words "Engineer No. 1," and "Engineer No. 2," painted thereon in black; they shall also carry a speaking trumpet, painted black, and the words "Engineer No. 1," and "Engineer No. 2," painted thereon in white.

Fire Warden's hat.

§23. The fire wardens shall severally wear a hat with the brim black, the crown painted white, and the word "Warden," painted in front in black; and shall also carry a white speaking trumpet with the word "Warden" painted thereon in black; and it shall be the duty of said wardens to meet with their respective companies at their monthly meetings from May to November inclusive.

Foreman's cap.

§24. The foreman of each engine company shall wear a cap painted black, with a white front, and the word "Foreman" and the initials of his name and the number of the company to which he belongs, painted thereon in black.

Foreman of hook and ladder company's cap.

§25. The foreman of each of the hook and ladder companies, shall wear a cap painted black, with a white front, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and the hook and ladder, painted thereon in black.

Assistant's cap.

§26. The assistant to each respective company shall wear a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant" in lieu of the word foreman.

Chief Engineer to report to city council for neglect of duty.

§27. It shall be the duty of the chief engineer to report to the city council the name of every person who shall neglect or refuse to comply with the foregoing requisitions, which said person shall thereupon be subject to be removed from the fire department.

CONSTABLES AT FIRES.

§28. The marshal and every constable shall repair, immediately on the alarm of fire, with his staff of office, to the place where the fire may be, and there report himself, and remain subject to the direction of the mayor, or any alderman or councilman, for the preservation of the public peace, and for the removal of all idle and suspected persons, or others, not actually or usefully employed in aiding to extinguish such fire, or in the preservation of property in the vicinity thereof. Constables' and Marshal's duties at fires.

CITIZENS AND INHABITANTS.

§29. Every person who may repair to a fire shall be obedient to the orders of the mayor, aldermen, councilmen, fire wardens, the chief engineer, and assistant engineers, in the extinguishing of fires and in the removal of property; and in case any person shall refuse to obey such orders, he shall forfeit the penalty of five dollars, and be subject to imprisonment forthwith. The citizens and inhabitants shall also, respectively, if the fire happens at night, place a lighted candle or lamp at the front door or window of their dwellings, to remain there during the night, unless the fire be sooner extinguished, under the penalty of two dollars. People at fires to obey orders, &c. Penalty for disobedience.

§30. It shall be lawful for the foreman or assistant foreman of any fire engine, or other fire company, or for the mayor, aldermen, or councilmen, chief engineer or assistants, to require the aid of any citizen or inhabitant, in drawing any engine, or other apparatus, to the fire, or near about the fire, or in working any engine at the fire, and on neglect or refusal to comply with such requisition, the offender shall pay a penalty of five dollars. Citizens to aid in drawing engines. Penalty for refusing.

§31. Every person wilfully offering any hindrance to any fireman in the performance of his duty at a fire, shall be subject to a penalty of twenty-five dollars for each offence. Penalty for hindering firemen in the performance of their duties.

§32. If any person shall wilfully injure, in any manner, any hose, fire engine, or other fire apparatus, belonging to the city, the offender shall for every such offence forfeit and pay the penalty of twenty-five dollars, besides being liable to an action for the recovery of the damage done.—Passed May 7, 1836. Penalty for injuring fire apparatus.

To amend the fifth section of an "Ordinance to regulate the Fire Department."

§1. Be it ordained, &c. That the firemen shall be divided into companies, to consist of as many members as the city council may from time to time direct, to attend to the fire engines, hose cars, hooks and ladders, axes, saws, and Council to divide fire companies and designate number of firemen.

other fire apparatus, belonging to the city of Cleveland; and each of the companies shall, on the first Tuesday in June, in each year, choose from their number a foreman, assistant foreman, treasurer and clerk, in such manner as they may think proper.—Passed April 1, 1837.

For the appointment of a Chief Engineer and a First and Second Assistant Engineer, of the Fire Department.

When and how Chief and Assistant Engineers to be chosen.

§1. Be ordained, &c. That the several fire companies comprising the fire department of the city of Cleveland, shall, on the first Monday in June, (or within twenty days thereafter,) after the present year, meet in joint convention, and proceed by ballot to the nomination of a chief engineer, and of first and second assistant engineers, a plurality of votes being necessary to a nomination, which nomination shall be forthwith communicated by a statement of the votes to the city council, by the officers of said convention, and at the next meeting of the city council after the receipt of the nomination, the council shall proceed to appoint a chief engineer and a first and second assistant engineers, and the persons thus elected shall hold their offices for the period of one year from the said first Monday in June, and until their successors are appointed as aforesaid.

City Clerk to give 1 week's notice.

§2. It shall be the duty of the city clerk, annually, to give one week's notice, by advertisement, posted up in the most public places of the city, of the time and place of meeting of said convention, for the purpose aforesaid, provided that the meeting of said fire companies, for the nomination of said officers for the year ensuing, shall take place at the court-house, in the city of Cleveland, on Monday, the seventh day of August instant, at seven o'clock P. M., or within twenty days thereafter; and it shall be the duty of the city clerk to give notice of the same by advertisement posted up aforesaid.—Passed August 2, 1837.

To amend the Ordinance regulating the Fire Department.

Chief Engineer to form Hose Company.

§. Be it ordained, &c. That it shall be competent for the chief engineer to form one hose company from citizens, other than those belonging to the existing fire department, and that so much of the seventeenth and eighteenth sections of the ordinance regulating the fire department as is inconsistent with the provisions of this ordinance, be and the same is hereby repealed.—Passed Dec. 20, 1837.

To regulate the Fire Department, amendatory to an Ordinance passed May 7, 1836.

§1. Be it ordained, &c. That when the office of chief engineer becomes vacant, by death or resignation, or in case of the absence or inability of the chief engineer, the duties of said office shall devolve on the first assistant engineer, and in the absence of the first assistant engineer on the second assistant engineer, until a chief engineer is appointed; and during the absence of the chief engineer at any time, the duties of his office shall be performed by the first assistant engineer, or in his absence by the second assistant engineer.—Passed August 4, 1841. First and Second Assistant Engineers to act in absence of Chief Engineer.

PAY OF FIRE DEPARTMENT, &c.

To amend an Ordinance to regulate the Fire Department, passed May 7, 1836, and also amendatory to an Ordinance to amend an Ordinance concerning the protection of property at fires, passed May 7 1836.

Sec. 1. Chief Engineer's salary.
2. Parades to be monthly, except in winter, and Chief Engineer to certify to all bills over $10.
3. Chief Engineer to certify to the Council the amount of monthly expenditures, &c.
4. Firemen allowed $1 00 per day for each parade.
5. Mutual Protection Society repealed.
6 Repeal of all ordinances conflicting with this.

§1. Be it ordained, &c. That the chief engineer shall be entitled to receive the sum of one hundred and fifty dollars per year for his services. Salary of Chief Engineer.

§2. It shall be the duty of the chief engineer to direct at all fires such measures as he may deem most effectual for their extinguishment. He shall have authority, and it is hereby made his duty, to call out all the companies attached to the department, for discipline once in every month, (except in the winter.) He shall have sole and absolute control over all persons attached to the department at such meetings for discipline, as well as at all fires. He shall attend personally to all repairs needed for the department, and shall see that the engines, hose carriages, hooks and ladders, and all the apparatus belonging to the department, is kept at all times in good working order, provided, always, that where an expenditure is required of more than ten dollars he shall first report the amount and for what the expenditure is required, to the city council, and shall act under their instructions. It shall also be his duty to see that the public reservoirs are kept full of water. Parade of companies to be monthly. Chief Engineer to certify to all sums over $10.

§3. The chief engineer shall report to the city council, once in every month, the amount of money expended by him for repairs, the amount required to be expended, the Chief Engineer to certify to council monthly.

number of members attached to each company, the condition of the engine houses and the department generally; and also to recommend such additions or alterations to the existing ordinances, as in his opinion the interests of the city may require.

Pay of firemen to be $1,00 for each parade. Repeal.

§4. Every member of the fire department other than the chief engineer, shall be entitled to and receive one dollar per day for each and every day he shall attend for the purpose of working and exercising the engines.

Repeal.

§5. The second section of an ordinance passed May 17, 1837, constituting the mutual protecting society a part of the fire department, with equal rights and privileges with the firemen composing the fire companies, be and the same is hereby repealed.

§6. So much of all laws and ordinances as are contrary to this ordinance, be and the same are hereby repealed. Passed June 29, 1840.

Accepting a Trust for the Firemen's Department.

Firemen's fund to be received by council.

§1. Be it ordained, &c. That the city council will accept and receive, from any person or persons, any deed or deeds of land for the use of the Firemen's Fund Department of said city, and hold the same for such length of time as may be desirable; and the said city council will convey and dispose of the same in such manner as the directors of the firemen's fund shall direct and determine, according to such rules as the said directors may have prescribed to themselves for conducting their proceedings, Provided, that said firemen's fund department shall pay all taxes and assessments which may be levied on such land, and shall also defray all expenses which may accrue in relation to the same.

Proviso.

Council to dispose of fund on order of firemen.

§2. That said city council will receive and accept any bond or bonds, or other writings, which may be executed and made payable to said city, for the use of said firemen's fund department, and will hold and dispose of the same according to the orders and directions of the directors of the firemen's fund, and as they shall order and determine.

What voucher necessary for council to dispose of fund.

§3. That a written certificate, signed by the president and secretary, cashier or chief clerk of said firemen's fund, specifying the wishes and orders of the directors of said firemen's fund, shall be a sufficient voucher to warrant the city council in making a disposition of any of the aforesaid lands, bonds or writings.—Passed September 26, 1838.

To prevent the erection of Wooden Buildings within the limits therein prescribed.

§1. Be it ordained, &c. That no person shall erect or place any building, or part of building, upon or within one hundred and fifty feet of that part of Superior street which lies west of the public square, unless such building, or part of building, be constructed of brick or stone, with parting or fire walls rising at least ten inches above the roof. And if any building, or part of building, not constructed of stone or brick, as aforesaid, shall be erected or placed within the aforesaid limits, (except as hereinafter provided,) the owner or owners, builder or builders thereof, shall severally forfeit and pay for every such offence the penalty of one hundred dollars, and the further penalty of fifty dollars for each and every week any building, or part of building, so prohibited as aforesaid, shall be continued within said prescribed limits. But nothing herein contained shall prevent the erection, within said limits, of any building of wood not more than eight feet square, nor of any wood-house for the keeping of fire wood, not exceeding twenty-four feet in length, and twelve feet in height from the common surface of the ground to the top of the plates; and provided also, that all penalties and rights in favor of the city, which have accrued under the village ordinances on the same subject, are hereby expressly saved and reserved.—Passed May 11, 1836.

Wooden buildings not to be erected within 150 feet of Superior street.

WEIGHING OF HAY, &c.

To Regulate the Weighing of Hay and other Articles.

SEC. 1. Hay, rags &c. not to be sold without weighing.
2. Duty of Weigher of Hay.
3. Fees of Weigher on weighing articles.
4. Penalty upon seller for selling without weighing.
5. Penalty upon Weigher for neglect of duty.
6. All actions for violation of this Ordinance to be brought within 6 months.

§1. Be it ordained, &c. That there is hereby created the office of weigher in the city of Cleveland, whose duty it is hereby ordained to be to weigh hay, rags, and any other article or articles laden upon any vehicle or vehicles ordinarily used for the transporting the same, and in a suitable situation for weighing

Hay to be sold by weight.

§2. That said weigher shall, at all reasonable business hours, weigh any load or loads of the description aforesaid, presented for weighing at the usual place provided for weighing in said city, and shall give the person presenting such load or loads to be weighed a certificate stating the

Duty of weighers.

gross weight of each load and vehicle respectively, and upon the return of the vehicle after the load shall have been removed from it, said weigher shall weigh the same and deduct the weight thereof from the gross weight specified in said certificate, and show the net weight of each and every load required to be weighed as aforesaid.

Fees.

§3. That the applicant shall pay the weigher twenty-five cents for each and every load which shall be weighed by him in g oss as aforesaid, and the weigher shall not be entitled to any further fees for weighing the vehicle and ascertaining the net weight of any load weighed as aforesaid.

Penalty for selling without weighing.

§4. That if any person shall sell or offer for sale any hay within said city, without causing the same to be weighed and the weight ascertained by the weigher of said city, every person so offending shall forfeit and pay the sum of ten dollars, to be recovered by action of debt in the name of the city of Cleveland, before the Mayor of said city, one-half thereof for the use of said city, and the other half for the use of the weigher of said city in office at the time of commencing the prosecution: Provided, That nothing herein contained shall be so construed to prevent the delivery of any hay within the city to any person or persons who may have purchased the same before such hay shall have been brought within the bounds of the city.

Proviso.

Penalty for neglect of duty of weigher.

§5. The city weigher shall weigh the several loads presented for weighing in the order the same shall be presented, and shall use all diligence in weighing the same; and if the said weigher shall neglect or refuse to weigh any load or loads of articles suitable for weighing as aforesaid, for an unreasonable length of time after its turn in regular order, or shall give a false weight of the same, the said weigher shall forfeit and pay the sum of fifty dollars for each and every such offence, one-half thereof for the use of the city and the other half to the use of the informer, and such weigher shall moreover be liable to the party injured in an action on the case.

Limitation of action.

§6. That all actions for any forfeiture incurred under this ordinance shall be prosecuted within six months from the time such forfeiture shall have been incurred.

This ordinance shall take effect from and after the 15th day of May, 1839, and all former ordinances coming within the purview of this ordinance are hereby abrogated and repealed.—Passed May 8, 1839.

AMENDMENT.

Sec. 1. Fourth and fifth sections of the foregoing repealed.

§1. Be it ordained, &c. That hereafter it shall be lawful

for the Mayor to exercise his discretion, according to the circumstances of the case, in affixing the fine for any violation of the provisions of the fourth and fifth sections of the ordinance to which this is an amendment, in any sum not less than five dollars, nor more than is specified in said section, to be recovered, one-half for the use of the city, and the other half for the use of the informer; and so much of said 4th and 5th sections as are inconsistent with the provisions of this ordinance, be and the same are hereby repealed.—Passed January 29, 1840.

4th and 5th sections repealed.

PUBLIC CEMETERY.

In relation to the Public Burying Ground, and the Duties of Sexton.

SEC. 1. Boundaries and size of Cemetery Lot.
2. Price and size of Lots.
3. Office of Sexton to be filled by appointment of the Council.
4. Duties of Sexton, his fees, and depth of grave.
5. Penalty for building beyond limits of each Lot.
6. Sexton to have general supervision of Cemetery.

§1. Be it ordained, &c. That the city clerk procure, at the expense of the city, and as soon as practicable, an accurate survey into small lots of that part of the public Burying Ground, which still remains vacant, in such manner, that after establishing the requisite number of broad alleys corresponding with the occupied portion of said ground, the parallel ranges north and south shall be four feet distant from each other, and each range allotted to the dead shall be eight feet in depth, and be so divided into small burial lots by parallel lines east and west as to contain not less than four, nor more than sixteen feet front on the open space intervening between the said ranges; and each lot, when so surveyed, shall be designated by a permanent stake or stone, and a plat of the entire Burying Ground made out, and the number of feet front each lot contains shall be noted therein, and also the number of the lot, beginning at the north-west corner of the vacant ground in the first range and numbering to the south; and the surveyor shall re-survey and number the lots of the occupied ground in like manner as nearly as practicable, and the said plat shall be recorded by the clerk in the records of the city, and deposited in the office of the city sexton.

Size of Lots.

§2. Any person or family, residents of the city, shall have the privilege of selecting a burial lot, on paying a premium of ten dollars into the city treasury on each lot of sixteen feet front, and a proportionate sum on all lots of less dimensions; and such lot when so selected shall be appropriated

See amendment.

exclusively to the use of such persons or family, but no one person or family shall be entitled to select more than one lot; and such person or family may make such ornamental improvements on such lot as their taste may dictate, and not inconsistent with the provisions of this ordinance.

Office of Sexton, how filled.

§3. That the office of Sexton for the city of Cleveland shall be filled by appointment of the city council; and the sexton shall hold his office for the term of one year (unless removed for good cause,) and until his successor shall be appointed.

Duties of Sexton.

§4. It shall be the duty of the sexton promptly to dig graves whenever requested personally or by written notice left at his office; and he shall be present, or some suitable person for him, and discharge the appropriate business of his office at the ceremony of the interment of every deceased person; and for his services in each case of a deceased person less than five years of age, the sexton shall be entitled to demand and receive a fee of one dollar, and in all other cases a fee of two dollars; and it shall be the further duty of the sexton to keep a book of records, in which he shall enter in separate columns the names of all deceased persons whom he may bury, together with the date, number of lot, and number of the grave in said lot, numbering from north to south; and all graves for deceased persons under five years of age shall be four feet deep, and all other graves shall be five feet deep.

Fees.

To keep record.

Fence, &c. not to occupy more than lot.

§5. It shall be unlawful for any person to erect or continue any fence, paling or monument, or other improvement in any burial lot in such manner as to occupy more than eight feet in depth east and west, or on any more ground than is contained within the lines of such burial lot; and any person who shall violate the provisions of this section shall, on conviction thereof before the mayor, pay a fine of not less than two nor more than twenty dollars.

Powers of Sexton.

§6. The sexton shall have general supervision of the burying ground, and shall take all necessary measures to prevent horses, cattle, hogs, or other animals, from running at large within the limits of said burying ground; and it shall be his duty to notice all violations of this ordinance coming to his knowledge, and make complaints thereof before the mayor, and all fines and premiums for burial lots which shall be paid into the treasury by virtue of this ordinance, shall be appropriated to the improvement of the said burying ground, by setting out of trees, and such other ornamental improvements as the council may direct.—Passed July 17, 1839.

AMENDMENT.

§ 1. Be it ordained, &c. That in the survey on the north side of the centre alley of the burying ground, the parallel ranges north and south shall be alternately four and eight feet distant from each other, and that each lot for the dead shall contain not less than four nor more than twenty-four feet front. Size of Lots defined.

§ 2. That any person or family, residents of the city, shall have the privilege of selecting a burial lot on paying a premium of fifteen dollars into the city treasury on lots of the largest size, and on lots of the sixteen feet front, ten dollars, and a proportionate sum on all lots of less dimensions. Price of Lots.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.—Passed November 13, 1839.

To amend an Ordinance Regulating the Cemetery passed May 17, 1839.

§ 1. Be it ordained, &c. That all Cemetery lots heretofore or hereafter selected, agreeable to the provisions of the ordinance of said city, shall be paid for within thirty days from the passage of this ordinance, or from the time the same shall hereafter be selected, and if the same shall remain for a longer time unpaid, the person or persons selecting such lot or lots shall forfeit all claims to the same. Forfeiture of lots if unpaid.

§ 2. That if any lot or lots shall remain unpaid for a longer time than mentioned in the first section of this ordinance, and any person or persons have been buried on said lot or lots, it shall be the duty of the city sexton to notify the friends of such deceased person or persons, or the person who applied to him to bury the deceased, and if the friends or the person so applying as aforesaid shall neglect to pay for said lot or lots for the period of ten days, it shall be the duty of said city sexton to remove the deceased so buried as aforesaid, and inter the same on the public lots, and again offer such lot so selected as aforesaid for sale. Duty of Sexton to remove bodies

§ 3. That so much of the ordinance passed July 17, 1839, and all amendments thereto, inconsistent with the provisions of this ordinance, be and the same is hereby repealed.—Passed June 19, 1841. Repeal.

WEIGHTS AND MEASURES.

Regulating Weights and Measures.

Sec. 1. Weights and Measures to be sealed and marked.
2. Weights, &c., to conform to state standard.
3. Sealer to inspect Weights annually.
4. Fees of Sealer.
5. Inspection not to be oftener than once a year.
6. To keep Register, and report.

Weights, &c. to be sealed.

§ 1. Be it ordained, &c. That every person engaged in the buying or selling of goods, wares and merchandize, using weights, measures, scale-beams, or steelyards, in weighing or measuring any articles intended to be purchased or sold in said city, shall cause such weights, measures, scale-beams or steelyards, to be sealed and marked, by the sealer of weights and measures for said city ; and if any person shall use any weights, measures, scale-beams or steelyards, for weighing or measuring any article for purchase or sale in said city not so sealed and marked, as aforesaid, he shall forfeit a penalty of five dollars for each offence.

Standard, (see amendment.)

§ 2. All weights, measures, scale-beams and steelyards, sealed and adjusted by the said sealer, shall be made conformable to the standard of this State and shall be marked with such devices as the council may direct.

Sealer to inspect.

§ 3. It shall be the duty of said sealer, and he is hereby authorised to inspect and examine, at least once in every six months, all weights, measures, scale-beams and steelyards, used in said city for measuring and weighing as aforesaid, and if any person shall refuse to exhibit any such weights, measures, scale-beams or steelyards, to the said sealer, for the purpose of examination and inspection as aforesaid, such person shall forfeit the penalty of five dollars for each offence; and if any person shall obstruct the said sealer in the performance of the duties hereby imposed upon him, such person shall forfeit the penalty of ten dollars for every such offence.

Fees.

§ 4. The said sealer shall be entitled to receive the same fees as county sealers, as provided for in the State law. All weights, measures, scale-beams and steelyards as aforesaid, shall be inspected at the several places where the same are used; but if they be found not conformable to the standard of this State, they shall be sent by the owner thereof to such place in the city as the sealer shall direct, for the purpose of being sealed and adjusted within three days after the owner thereof shall be required so to do by the sealer, under the penalty of ten dollars for each offence.

§ 5. It shall not be lawful for the said sealer to inspect or examine the weights, measures, scale-beams and steel-yards as aforesaid, more than once in six months, unless the same shall be found not conformable to the standard of this state. Inspect no oftener than once in six month

§ 6. That it shall be the duty of the said sealer to make a regular register of all the weights, measures, scale-beams and steelyards inspected by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of this State; and it shall also be his duty to report to the city council the names of all persons whose weights, measuses, scale-beams or steelyards are incorrect, and to deliver a copy of his said register to the clerk of the city. To keep register and report.

This act to take effect from and after the first day of July next.—Passed May 14, 1836.

AMENDMENT.

§ 1. Be it ordained, &c. That the United States government standard of weight, with their sub-divisions, shall be the standard by which all gross articles shall be sold in the city of Cleveland, such as are usually sold by weights; the Winchester bushel containing 2,150 2-5 cubic inches, with its sub-divisions, shall be the standard by which all articles usually sold by dry measure shall be bought and sold; the wine gallon, consisting of 231 cubic inches, shall be the standard by which all fluids usually sold by that measure shall be bought and sold; the yard measure shall be 36 inches in length, as declared by the Columbia College in New-York. U. States' standard for weights. Winchester bushel for dry measure. Liquid measure. New York standard for lineal measure.

§ 2. That so much of the ordinance passed May 14, 1836, as implies that the standard of weights and measures of this city shall conform to the standard of the state of Ohio, be and the same is hereby repealed.—Passed October 23, 1839. Repeal.

ACADEMY LOT.

To authorise the Mayor to execute the Bonds of the City for the purpose therein named.

Sec. 1. Bonds given Wm S. Miller for Academy Lot.

Bonds issued for $6,000 for Academy Lot.

§ 1. Be it ordained, &c. That the mayor be, and he hereby is authorised and empowered to complete the contract for the purchase of the Academy lot for school-house purposes, in the third ward, by executing in sums of one thousand dollars each the bonds of the city for the aggregate amount of six thousand dollars, payable to Wm. S. Miller, or his order, at the city of New-York, in ten years from the first day of January, eighteen hundred and forty, with interest thereon payable annually, at the rate of six per cent. per annum.—Passed January 29, 1840.

SCHOOLS.

To provide for the Establishment of Common Schools.

Sec. 1. Duties of School Committee to lease buildings.
2. Further duties to procure apparatus, &c.
3. Duties of school Managers.
4. Expenses of Schools to be limited.

School committee to lease school rooms.

§ 1. Be it ordained, &c. That the school committee of the council is hereby authorised to procure by lease suitable buildings or rooms for the use of the city, to be occupied as school rooms as herein after provided under the authority of the city, PROVIDED, that such buildings or rooms shall be approved by the Board of Managers of common schools. The expense of the lease of the same shall not exceed one half the amount which the city council is authorised to appropriate annually for the construction of buildings for school purposes.

School committee to procure furniture.

§ 2. The school committee of the council is further authorised and instructed to procure, at the expense of the city, the needful apparatus and furniture for the buildings or rooms thus provided, the added expense of which shall not exceed the limits prescribed in the first section of this ordinance.

§ 3. It is further ordained, that the Board of Managers of common schools in this city is hereby authorised to establish immediately in the premises, provided as aforesaid, such schools of elementary education as to them shall seem necessary, and procure instructors for the same, the term or sessions of which schools shall commence on the 24th day of July inst. and continue four months, to wit, till the 24th day of November next. Duties of School Managers.

§ 4. It being provided that said schools are to be supported from the revenue of the city set apart for said purposes, and that the expenses of tuition and fuel in said schools shall not be permitted to exceed said specified revenue.—Passed July 7, 1837. School expenses to be limited.

To Regulate Schools and divide the First Ward into two Districts.

Sec. 1. Repealed, (see amendment)
2 Number of School Districts, and their divisions.
3. Powers of School Managers, and their duties.

§ 1. Be it ordained, &c. That the summer term of the common schools of the city which may now, or hereafter be established, in the different wards, shall commence on the first Monday in May, and terminate on the last Saturday of September, annually ; and that the winter term of said school shall commence on the first Monday of November, and terminate on the last Saturday in March, annually. Commencement and termination of schools.

§ 2. That the first ward shall, and is hereby divided, into two school districts, to be known as the first and second, and bounded as follows : all that portion of said ward west of Ontario and south of Superior-street and Superior-lane, shall be embraced in one district, to be known and designated as the first, and all that portion of the territory not included in the above described limits lying east and south of Ontario-street, shall constitute the second district. Division of ward.

§ 3. That the managers be directed, and they are hereby empowered, to procure suitable rooms for the accommodation of the common schools of the city for the ensuing year, subject to the ratifications of the council, and that they proceed forthwith to discharge this and other duties incumbent upon that office.—Passed May 2, 1838. Managers to procure school rooms.

To amend an Ordinance to Regulate Schools and divide the First Ward into two Districts, passed May 2, 1838.

§ 1. Be it ordained, &c. That the spring term of the common schools of the city, which are now or may hereaf- Commencement and termination of Schools.

ter be established, shall commence on the second Monday of April, and terminate on the last Saturday in July; the fall term shall commence on the fourth Monday of August, and terminate on the last Saturday in November; and the winter term shall commence on the second Monday of December, and terminate on the last Saturday of March.

Repeal. § 2. That so much of the ordinance to which this is an amendment, as is inconsistent with the provisions of this ordinance, be and the same is hereby repealed.—Passed March 30, 1840.

Defining the Duties of School Managers.

Sec. 1 Appointment of Acting School Manager.
2. Duties of Managers in keeping Books and Accounts.
3. Manager's supervision of all expenditures.
4. Compensation of Managers.

Acting Manager. § 1. Be it ordained, &c. That ——— be and he is hereby designated to perform the duties hereinafter specified, during the pleasure of the council, and that at each annual election of the school managers held one of the managers elected shall be designated or appointed by the city council to perform said duties.

Manager to keep books. § 2. It shall be the duty of the manager designated or appointed, as provided in the first section of this ordinance, to keep a set of books, in which he shall open an account with each teacher in the employ of the city, and to make an accurate entry of all monies paid to, and of services rendered by, each teacher; and it shall also be his duty to keep an accurate account with each school district, in which he shall make an entry of all monies paid for the benefit of such district, whether for teaching, rent, or for other purposes. Said accounts are to be balanced at the end of each year.

Duties of Manager. § 3. The said manager shall be required to provide fuel, take charge of the buildings and fixtures, and certify to the council the correctness of all accounts against the city for teaching, or for rents, fuel, repairs, or fixtures on or about the school houses.

Pay of School Manager. § 4. The manager, upon whom shall devolve the duties specified in this ordinance, shall receive for his special services a fair and reasonable compensation, to be paid from the school-house fund.—Passed June 19, 1841.

WHARVES.

For Repairing the Wharves in the City of Cleveland.

Sec. 1. Wharves between Bath and Division-streets, to be kept in repair.
2. Duties of Supervisor and City Attorney in enforcing this Ordinance.

Wharves to be kept in repair.

§ 1. Be it ordained, &c. That every owner of real estate fronting and abutting on the Cuyahoga river, between Bath and Division-streets, in said city, shall cause the wharf or wharves now erected upon or against their said premises, and abutting upon said river, to be put in good and substantial repair to the acceptance of the street supervisor for said city, on or before the first day of May, A. D. 1840; and any person or persons failing to comply with the provisions of this section shall forfeit and pay a penalty not exceeding one hundred dollars, and costs of prosecution.

Duty of supervisor.

§ 2. It shall be the duty of the street supervisor to make an examination of the wharves aforesaid on the first day of May next, and to enter complaint to the mayor against all persons who shall have failed to comply with the provisions of the foregoing section; and the city attorney is hereby required to prosecute said complaints to effect.—Passed March 30, 1840,

Of Attorney.

MEASURES OF STONE, &c.

To Create the office of Measurer of Stone, and also of Mechanic's Work.

Sec. 1. Stone and Mechanic's Work to be measured when required.
2. Measurer to hold office during the pleasure of the Council.
3. Penalty for any person other than Measurer to execute the office of Measurer.
4. Penalty for dereliction of office by Measurer.

Stone and mechanic's work measured.

§ 1. Be it ordained, &c. That there shall be annually appointed by the city council, as often otherwise as may be deemed necessary, two discreet persons to be measurers of stone and mechanic's work, whose duty it shall be, when thereto required, carefully to measure all such stone or work, and give a certificate of the same to the owner or the person requiring such measurement to be made, for which measurement and certificate the measurer may ask and demand of the owner, or such person requiring the measurement to be made, the sum of eight cents for every 100 feet

of stone, two cents for every 1000 brick and one cent for every yard of any other kind of work so measured and certified; provided, always, that the measurer shall not in any case be entitled to receive more than fifty cents per hour for the performance of any duty contemplated in this ordinance. In making such measurement, the said measurer shall make due and reasonable allowance for the interstices or openings of all stone or work so measured, and certify the quantity in cubic feet if of stone, the number of thousand if brick, and the number of yards or feet in any other work, as in his opinion shall be equitable and just.

Measurer to hold office.

§ 2. Each person appointed a measurer under this act, shall hold his office during the pleasure of the city council, or until the first Monday of May next after such appointment.

Penalty for other than measurer to execute office.

§ 3. No person other than a measurer duly appointed and sworn, shall execute the office or perform the duties of such measurer, under a penalty of five dollars for each and every offence.

Penalty for false account.

§ 4. Any person, appointed under this ordinance, who shall falsely or fraudulently give any certificate for a greater or less quantity of stone, brick, or other work, to have been measured by him than there actually is, shall for each such false measurement or certificate forfeit and pay a penalty of ten dollars, besides being answerable in damages to the party thereby injured.—Passed July 27, 1840.

To amend an Ordinance to create the office of Measurer of Stone, &c., passed July 27, 1840.

Lumber measured.

§ 1. Be it ordained, &c. That an ordinance passed July 27, 1840, creating the office of measurer of stone, &c. be amended, so that the said measurers shall also be measurers of lumber; to be allowed twenty-five cents per thousand feet for all lumber measured and certified by them, one half to be paid by the buyer, and one half by the seller.—Passed August 11, 1840.

Fees.

HARBOR REGULATIONS.

For the appointment of a Harbor Master, and defining his Duties.

Sec. 1. Office created.
2. Master to remove Craft when ordered by Harbor Master.
3. Harbor Master may fine delinquents One Dollar.

§ 1. Be it ordained, &c. That there shall be appointed by the city council, a Harbor Master for the city, whose office shall continue one year, or during the pleasure of the council. Office created.

§ 2. The Harbor Master shall have power, on the application of any master, owner, or consignee of any ship, boat, or other water craft, in this city, to regulate and order all such water craft, lying at any of the wharves in this city, and to remove from time to time such boats, ships, or other water craft, as are not employed in receiving or discharging their cargoes or passengers, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, or passengers; and if any master, or other person, having charge of such ship, boat or other water craft, shall refuse or neglect to obey the directions of such Harbor Master, in the premises, he or they shall forfeit ten dollars for each offence, to be recovered in an action of debt, with costs, for the use of the city. Powers of Harbor Master. Powers of Harbor Master.

§ 3. The said Harbor Master may receive from the said master, or other person having charge of such ship, boat, or other water craft, adjudged by him to be in default, for his compensation in the premises, the sum of one dollar; provided, that the said master, or other person having such charge, shall have been requested to remove the said ship, boat, or other water craft.—Passed August 11, 1840. Fine $1 90.

To prevent the obstruction of the Cuyahoga River and Canal, within the limits of the city of Cleveland.

Sec. 1, Stone, timber, &c. not to be thrown into the River, or placed on Wharves.
2. Penalty for violating first section.
3. Penalty for violating Ordinance generally.

§ 1. Be it ordained, &c. That it shall be unlawful for any person or persons to throw gravel, stone or ballast of any kind whatsoever, or any other article, into the Cuyahoga river or canal, within the limits of said city, that may or Stone, &c. not to be thrown in river or on wharves

shall be calculated to destroy or obstruct the navigation of the same; or to place any such gravel, stone, ballast, or other thing, on the banks or wharves of said river or canal, or upon the public piers erected by the United States, in such a position as to render it liable to be washed, or otherwise conveyed into the same; or to make or to direct any channel for the passage of water, so as to carry any gravel, stone, or other thing, into said river or canal.

Penalty.

§ 2. Any captain, or other person having the control of any steam-boat, or other water craft, navigating the waters of the lakes, river or canal, permitting or suffering a violation of the first section of this ordinance by any of the persons employed on said steam-boat or water craft, shall be liable to all the penalties hereinafter provided.

Penalty for violating ordinance.

§ 3. Any person or persons violating any of the provisions of this ordinance upon conviction thereof before the mayor of said city, shall be liable to pay a fine not exceeding one hundred dollars, and to imprisonment not exceeding fifteen days, or both, at the discretion of the mayor, for each and every offence.—Passed May 5, 1841.

Prohibiting Obstructions in the Cuyahoga River, and regulating Steam-boats, Vessels, and other Water Craft, navigating the same, and for other purposes.

Sec. 1. Piles, stones, &c. not to be placed in River.
2. Wharves, Bridges, &c. to be kept clear.
3. Craft to keep rigging braced up in Harbor.
4. Steam-boat to be moved slowly in Harbor.
5. Light to be kept out during the night.
6. Penalty for violating 3d, 4th and 5th sections.
7. Craft not to be fastened so as to obstruct passage.
8. Master to move craft when ordered by Harbor Master.

Piles, stone, &c. not to be placed in river.

§ 1. Be it ordained, &c. That no person shall drive or place, or cause to be driven or placed, any pile or piles, stone, timber, earth, or other obstruction in the Cuyahoga river, within the limits of this city, without permission from the council, or by direction of the street superintendent for public purposes. Every person offending against the provisions of this section, shall forfeit a sum of not more than fifty dollars, and the further sum of not more than twenty-five dollars for every day such obstruction shall be suffered to continue.

Wharves, &c. to be kept clear.

§ 2. No person shall unload any boat or vessel at or on any of the public wharves, docks, bridges, or public grounds in this city, or place, or deposite on any public wharf, dock, bridge, or public grounds in the city of Cleveland, any stone, lumber, timber, or fire wood, without permission from the Harbor Master, under a penalty of not more than ten dollars for each offence.

§ 3. All steam-boats, ships, brigs, and other vessels, while in the Cuyahoga river, shall have their anchors kept in-board upon deck, and their yards braced up sharp, so as to prevent injury therefrom to other craft. Craft to keep rigging braced up in harbor.

§ 4. All steam-boats in coming in and going out of the Cuyahoga river, shall be moved under a low head of steam, and slowly, so as not to endanger other craft in port. Steam-boats to move slowly in harbor.

§ 5. All steam-boats, ships, brigs, canal-boats, or other vessels, shall have kept out-board during the night time a conspicuous light, and shall have extinguished or secured safely at dark all fires that may be kept on board. Light to be kept out-board at night.

§ 6. Any person or persons, owner or officers of any steam-boat, ship, brig, canal-boat, or other vessel, violating any of the provisions of either of the last three sections, (third, fourth and fifth,) shall forfeit for the use of the city of Cleveland, a penalty of not more than twenty dollars. Penalty.

§ 7. Any owner, master or other person having in charge any steam-boat, vessel, canal boat, or other water craft, who shall anchor or otherwise fasten, or permit to be anchored or fastened, any such steamboat, vessel, canal boat, or other water craft, in the Cuyahoga river, when the same shall obstruct the passage of any other steam-boat, or other vessel, in coming into or going out of said river, shall forfeit a penalty of not more than twenty-five dollars for each and every offence. Craft not to obstruct passage.

§ 8. No owner, master, or other person, having in charge any steam-boat, or other vessel, shall fasten or lay, or suffer to be fastened or laid, any such steam-boat, or other vessel, to any private or public dock, bridge, or public ground on the Cuyahoga river, after having been directed by the Harber Master to remove the same, under a penalty of not more than twenty-five dollars for each and every offence, to be recovered from the owner or master thereof.—Passed November 24, 1841. Master to move craft when ordered by H. Master.

More fully defining the Duties of Harbor Master, and for other purposes.

Sec. 1. Harbor Master's power in case of distress or danger.
2. Penalty for for disobeying Harbor Master's orders.
3. When to be adjudged guilty of obstructing navigation.
4. Craft receiving assistance in distress to pay therefor.
5. Coal, stone, &c. to be unloaded so as not to fall into river.
6. No craft to fasten to another between the piers.
7. No steam-boat to enter the piers when another is between the piers bound out.
8. Penalty for taking small boat without liberty.
9. Penalty for resisting Harbor Master.

§ 1. Be it ordained, &c. That if any steam-boat or vessel, making or leaving the port of Cleveland, be in distress Assistance when in distress.

or danger, and obliged to anchor outside the harbor; or if any boat, vessel, or other water craft, by anchoring inside the piers or in the Cuyahoga river, or by winding or other cause, shall get foul and obstruct the navigation or passage of other boats or crafts, the Harbor Master shall have power to order to their assistance, men, boats and tackle, from any other boat or craft in port.

Penalty for disobeying Harbor Master.

§ 2. Any master or other officer in charge of any boat or craft refusing to render assistance when so ordered by the Harbor Master, shall forfeit a penalty of not less than ten or more than fifty dollars.

When adjudged guilty.

§ 3. Any master or officer refusing to receive such assistance, when obstructing the passage of any other boat or craft, shall be adjudged guilty of obstructing the navigation, and be liable to all the penalties attached thereto.

Craft to pay for assistance.

§ 4. Any boat or other craft receiving assistance as above specified, shall be liable to the person or persons rendering the same, for such sums as the Harbor Master may deem a fair compensation, provided such sums shall not exceed fifty dollars.

Coal, &c., not to fall into river.

§ 5. No owner, master, or other person, having in charge any steam-boat, vessel, canal boat or other water craft, shall load or unload, or allow to be loaded or unloaded, on, to, or therefrom, any coal, stone, sand, or other substance liable to obstruct navigation, without a good and sufficient preventive against any such substance falling into the Cuyahoga river. Any person neglecting to erect or place such preventive shall forfeit a penalty of not less than two or more than five dollars.

Craft not to fasten to piers.

§ 6. No steam-boat or vessel shall make fast and lay along side of another between the piers, under a penalty of not less than five or more than ten dollars.

When boats shall not enter river.

§ 7. No steam-boat shall enter the river while another boat is in sight between the piers going out, unless obliged by distress of weather, under a penalty of not less than twenty or more than fifty dollars.

Penalty for taking small boats.

§ 8. Any person taking a yawl or small boat lying in the Cuyahoga river, without the consent of the owner or person having it in charge, shall forfeit a penalty of not less than one or more than five dollars.

Penalty for resisting Harbor Master.

§ 9. Any person resisting, opposing, or interfering in any manner with the Harbor Master, while in the performance of his duties, shall pay a fine of five dollars.—Passed April 18, 1842.

BRIDGES.

Concerning Bridges across the Canal.

Sec. 1. No two bridges across the Canal to be raised at the same time.

§ 1. Be it ordained, &c. That no person or persons shall at any time raise or cause to be raised either of the bridges across the canal while the other is up; and every person offending in the premises shall on conviction thereof be fined ten dollars with costs of prosecution.—Passed April 26, 1837. Canal Bridges. Penalty for keeping more than one raised at the same time.

In Relation to the Float Bridge.

Sec. 1. Craft not to fasten to Float Bridge.
2. Float Bridge to be kept clear.
3. Penalty for violation.

§ 1. Be it ordained, &c. That it shall be the duty of each and every owner, captain or other person having in charge any canal boat or water craft, navigating the Cuyahoga river, which may be fastened to the float bridge, or dock in the vicinity of said bridge, within said city, to remove the same upon request of the tender of said bridge. Fastening to bridge prohibited

§ 2. That it shall be unlawful for any person or persons to place any obstruction of any kind whatsoever upon said bridge, within said city, which shall in any manner prevent or impair the use of said bridge as a public highway. Bridge to be kept clear.

§ 3. That if any person or persons shall violate any of the provisions of this ordinance, upon conviction thereof before the mayor, shall be fined in any sum not less than one nor more than twenty-five dollars, at the discretion of the mayor, with costs of prosecution.—Passed August 18, 1840. Penalty.

To authorize the Mayor, or the President of the City Council, to commit persons to Jail in certain cases.

§ 1. Be it ordained, &c. That upon the refusal or inability of any person to pay any fine or penalty that may be imposed on the same by the mayor, or the city of Cleveland, or the president of the city council, for a violation of any of the ordinances of the said city, the mayor, or the president of the city council, in the absence or inability of Mayor empowered to commit to prison.

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the mayor, is hereby duly authorised and empowered to commit every such person as aforesaid to the jail of the county of Cuyahoga, to stand committed in said jail until such fine or penalty aforesaid is paid or satisfied, or he or they be otherwise legally discharged from such jail.—Passed February 16, 1841.

HOGS.

To prohibit certain Swine from running at large.

Sec. 1. Boar pigs prohibited from running at large.
2. Swine to be impounded and sold.
3. Penalty for resisting Marshal when impounding Hogs.

Certain swine prohibited from running at large.

§ 1. Be it ordained, &c. That it shall be unlawful for the owner or owners of any boar pig or pigs to suffer the same to run at large within the streets, lanes, alleys, or commons of said city; and if any owner or owners shall suffer such swine to so run at large, upon conviction thereof before the mayor, shall pay a fine of not less than one nor more than five dollars.

Penalty.

To be impounded and sold.

§ 2. That if any such swine shall be found running at large within the limits of said city, it shall be the duty of the city marshal to cause such swine to be taken up and impounded, and to give notice to the owner of the same when known and if not redeemed as hereinafter provided, to proceed to sell the same to the highest bidder within three days after being so impounded, having first caused the time and place of such sale to be published in a printed or written handbill, posted up on said pound. And the said marshal shall pay over to the treasurer of said city the proceeds of such sale, after deducting therefrom the necessary expenses: Provided, that the owner or owners of said swine that may be taken up or impounded, may redeem the same any time before the sale, by paying to the marshal all expenses and charges for so taking up, impounding and keeping the same.

Penalty for resisting marshal.

§ 3. That if any person shall resist the marshal in the discharge of the duties imposed by this ordinance, or shall let out such swine, when so impounded, every person so offending, on conviction thereof before the mayor, shall for every such offence forfeit and pay any sum not exceeding fifty nor less than two dollars, with costs of suit.—Passed July 21, 1841.

DOGS.

For Taxing the owners of Dogs.

Sec. 1. All Dogs within the city to be taxed.
2. When and to whom tax paid; Dogs to wear collars with owner's name engraved thereon.
3. Penalty $5 for neglecting to comply with the 2d section.
4. Names and descriptions of Dogs to be recorded by the City Clerk.
5. Killing of Dogs lawful in some cases.
6. $10 penalty for putting collar on Dog without first paying tax.

§ 1. Be it ordained, &c. That any person residing within the city of Cleveland, owning or having in his or her possession any dog, bitch, or slut, shall be liable to pay for the same, the following sums: Dog Tax.

For every dog, one dollar per annum.

For every bitch or slut, five dollars per annum.

§ 2. Every person residing in the city of Cleveland owning or having in his or her possession, any dog, bitch or slut, shall on or before the fifteenth day of August of the present year, and on or before the first day of June in each and any subsequent year, pay to the city clerk, the sum required in the first section of this ordinance, and report in writing to him the name and description of every dog, bitch, or slut, so owned, or possessed by him or her, and shall moreover, put on the neck of such dog, bitch or slut a metal strap or collar, on which shall be engraved in legible characters the name of the owner. When paid.

§ 3. Any person neglecting to comply with the provisions of the second section of this ordinance shall forfeit a penalty of five dollars for each and every offence. Penalty.

§ 4. It shall be the duty of the city clerk, to keep a record of the name and description of all dogs reported and paid for, according to the provisions of the second section of this ordinance. Dog's name, &c. to be recorded.

§ 5. It shall be lawful for any person to shoot or otherwise kill any dog, bitch or slut, whose owner or possessor shall not have complied with the second section of this ordinance. Lawful to kill dogs in some cases.

§ 6. Any person placing any strap or collar as above required, on any dog upon which the tax has not been paid, shall forfeit a penalty of ten dollars.—Passed July 27, 1836. Penalty for putting collar on dog without first paying tax.

Authorising the Destruction of Dogs.

Sec. 1. Lawful to kill dogs absent from their owners without collars.

§ 1. Be it ordained, &c. That it shall be lawful for any

Lawful to destroy dogs in some cases.

person, to destroy any dog found running at large, or absent from its owner, within the limits of the city, not having around his neck a collar, with the name of the owner. And

Duties of marshal.

it is hereby made the duty of the marshal to take all necessary measures, to prevent danger or injury from dogs; and it is hereby made the further duty of the marshal, either in person, or by employing some suitable person for such purpose, to carry the provisions of this ordinance, and the ordinance for taxing dogs, into effect.—Passed March 8, 1837.

To Restrain certain Dogs from being kept in this city.

Sec. 1. Certain dogs prohibited from running at large.
2. Duty of Marshal and Supervisor to kill sluts.
3. Lawful for any person to destroy sluts.
4. Penalty for keeping sluts.

Certain dogs prohibited from running at large.

§ 1. Be it ordained, &c. That from and after the first day of February, 1842, it shall be unlawful for any person to keep, within said city, any bitch or slut, or suffer the same to run at large within the limits of said city.

Duty of marshal and supervisor to kill sluts.

§ 2. That it is hereby made the duty of the marshal and street supervisor to shoot, or otherwise kill any bitch or slut found at large in said city, and to enter a complaint before the mayor against any person or persons keeping such dog in said city.

Any person may destroy sluts.

§ 3. That it shall be lawful for any person to shoot, or otherwise kill any bitch or slut, found running at large in said city.

Penalty for keeping sluts.

§ 4. That any person violating the first section of this ordinance shall, upon conviction thereof before the mayor, forfeit and pay any sum, not less than ten dollars at the discretion of the mayor, and costs of prosecution.—Passed Jannary 5, 1842.

GOATS.

To Restrain Goats from running at large.

Sec, 1. Goats running at large to be hampered.
2. Penalty fer violation of Ordinance.

Goats to be hampered.

§ 1. Be it ordained, &c. That hereafter it shall be unlawful for any person or persons owning or keeping in the city of Cleveland any goat or goats, to suffer the same to

run at large within the limits of said city, unless such goat or goats shall be so clogged or hampered as to prevent the same from leaping or passing any lawful fence.

§ 2. Any person or persons owning or keeping any goat or goats as aforesaid, who shall violate the provisions of the foregoing section, shall, on conviction thereof before the mayor, pay a fine not less than two, nor more than ten dollars for the use of the city.—Passed May 15, 1839. Penalty.

RUNNERS.

To prohibit Runners.

Sec. 1. Runners prohibited from soliciting persons to stop at public houses, &c.

§ 1. Be it ordained, &c. That if any person, as a runner, shall ask, solicit, or engage any person or persons, in any street, lane, or alley, or upon any wharf, pier, boat, or vessel, in this city, to take passage in any steam-boat, canal boat, or stage, or to repair to any hotel, in this city, every person so offending shall forfeit a penalty of not less than one nor more than twenty dollars for each and every offence, with costs of prosecution.—Passed August 18, 1841. Soliciting passengers prohibited. Penalty.

NUISANCES.

To prevent Nuisances.

Sec. 1. No rubbish to be thrown on Public Grounds or in Lake Erie.
2. No nuisance to remain on private property.
3. Marshal's duty to remove nuisance.

§ 1. Be it ordained, &c. That no person shall throw, place, or deposite, or suffer his or her servant, child or family to throw, place, or deposite, any dead animal, carrion, putrid meat, or fish, entrails, oyster or clam shells, decayed vegetables, shavings, rubbish or nuisance of any kind, in any street, lane, or alley, or upon any public ground in said city, nor upon any unenclosed ground lying between Lake-street, or Bath-street, and Lake Erie; and any person violating this ordinance or any part thereof, shall forfeit and pay for every such violation a penalty of not less than two nor more than twenty dollars, and shall moreover be No nuisances to be placed in streets, &c. Penalty.

liable to pay the expense of removing the same by the city marshal.

Nuisances prohibited on private property.

§ 2. No owner or occupant of any lot or tenement in said city, shall cause or permit any nuisance to be or remain in or upon such lot or tenement, or between the same and the centre of the street, lane, or alley adjoining, upon pain of forfeiting a penalty of two dollars for every twenty-four hours during which such nuisance shall be or remain in or upon such lot, tenement, street, lane, or alley as aforesaid.

Duty of marshal to remove nuisances.

§ 3. It shall be the duty of the city marshal to cause to be removed all nuisances which shall be placed, deposited, caused or permitted as aforesaid within the limits herein prescribed, and forthwith report to the mayor or to some member of the city council the expense of such removal, together with the name or names (if to him known,) of the person or persons, placing, depositing, causing, or permitting such nuisances as aforesaid.—Passed May 9, 1836.

RACING OF ANIMALS.

To prevent the Racing of animals within the city limits of the city of Cleveland.

Sec. 1. Horse racing prohibited.
2. Penalty not less than fifty nor more than one hundred dollars.
3. Duties of Mayor and Marshal in relation thereto.

Horse racing &c. prohibited.

§ 1. Be it ordained, &c. That all running, trotting, racking, or pacing of horses, or any other animals, within the limits of the city of Cleveland, on or after the first day of September, 1837, for any bet or stakes in money or goods or other valuable things, or for any reward to be given to the owner or rider of any animal which shall excel in speed, shall be deemed racing within the meaning of this ordinance, and is hereby declared to be a nuisance, and all parties concerned therein as authors, betters, stakers, stake-holders, judges to determine the speed of the animals, riders, contrivers, or abettors thereof, shall on trial and conviction before the mayor be fined in the sum of not less than fifty dollars, and not more than one hundred dollars.

Penalty.

§ 2. The owner in whole or in part of any animal, that shall be used or employed by his permission or privity in racing, contrary to this ordinance, shall on trial and conviction thereof, as aforesaid, be fined in a sum not less than fifty dollars, and not more than one hundred dollars.

Duties of mayor and marshal in relation thereto.

§ 3. It shall be the duty of the mayor and marshal of the city, to attend at a place where they shall know, or be

informed that any race is about to be run contrary to the provisions of this ordinace, and there give notice of the illegality thereof, and endeavor to prevent such race by dispersing the persons collected for the purpose of attending the same, and by all other ways and means in their power, and upon their own view, of any persons offending against the preceding sections, the same to arrest, to be dealt with according to the provisions of this ordinance.—Passed August 16, 1837.

GAMING HOUSES, &c.

For the punishment of certain offences therein named.

Sec. 1. Gaming prohibited.
2. Disorderly houses, &c. prohibited.

§ 1. Be it ordained, &c. That if any person shall play at any game whatever, for any money or other valuable thing, or shall keep, or shall suffer to be kept on his or her premises, any billiard table, nine pin alley, or other structure, device or instrument of gaming for money or other valuable thing, within the limits of said city, every person shall on conviction thereof be fined in any sum not exceeding one hundred dollars with costs of prosecution. Gaming prohibited. Penalty.

§ 2. That if any person shall keep, or suffer to be kept on his or her premises, a house of ill fame, or any resort connected therewith, or shall knowingly frequent any such house or resort, within the limits of said city, or wilfully suffer or promote any gross indecency, disturbance, fighting, or any breach of the peace within the limits as aforesaid, every person shall for every such offence, on conviction thereof before the mayor, forfeit and pay any sum not exceeding one hundred dollars with costs of prosecution.—Passed November 2, 1836. Houses of ill fame prohibited. Penalty.

PUBLIC EXHIBITIONS.

Concerning Public Shows and Exhibitions.

Sec. 1. Public Shows unlawful without license from Mayor or Council.
2. Penalty for exhibiting without license.

Shows prohibited without license.

§ 1. Be it ordained, &c. That all exhibitions and shows, in all cases where money or other valuable thing is demanded for admission into the same, are hereby declared unlawful, unless application be made and a license obtained from the mayor, or in his absence, from the presiding officer of the city council, or in his absence, from one of the aldermen, who is authorised to demand and receive from the applicant for such license, such sum as he may deem expedient.

Penalty.

§ 2. Any person or persons opening, displaying, or practising any exhibition, performance or public show of any kind being hereby declared unlawful, without first obtaining a license as provided in the foregoing section, shall forfeit for each and every day or night of such exhibition, performance or public show, any sum in the discretion of the mayor, of not less than ten or more than one hundred dollars.—Passed June 22, 1836.

BATHING.

To Restrain Bathing in the Public Waters of the City.

Sec. 1. Bathing prohibited within the limits of the City.
2. Parents, &c. liable for minors, &c.

Bathing prohibited in Lake Erie.

§ 1. Be it ordained, &c. That if any person of the age of nine years or upwards shall between the hours of five o'clock in the morning, and eight in the evening, bathe in any waters of the Canal, Cuyahoga river, or Lake Erie, west of Erie street within the bounds of the city, every person so offending shall forfeit and pay any sum not less than two dollars, nor more than twenty dollars, at the discretion of the mayor, to and for the use of the city, to be recovered by action of debt before the mayor as other penalties are recovered.

Penalty.

§ 2. That for all offences after the first conviction committed by any minor against the provision of the first section of this act, the parent shall be responsible for the penalty incurred by the child. The guardian shall be responsible for the penalty incurred by the ward. And the master shall be responisible for the penalty incurred by the servant, of whom such parent, guardian, or master respectively have control for each and every offence after a first conviction, and the said penalties may be recovered of such parent, guardian, or master, by action of debt as aforesaid; provided, that if judgment be obtained against the child, ward, or servant, and satisfied by payment, such payment shall be a discharge of the parent, guardian or master, for the offence upon which the conviction was had.—Passed July 11, 1838. Guardians or parents responsible

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COAL INSPECTOR.

For the appointment of a Coal Inspector.

Sec. 1. Duty of Inspector.
2. Further duty of Inspector.
3. Fees of the Inspector.

§ 1. Be it ordained, &c. That there shall be appointed a coal inspector for the city, whose duty it shall be to measure all the stone or mineral coal, exported from this city, in vessels or boats of any description, and give a certificate of the quality and quantity of the same, signed with his name as coal inspector. Appointment of Coal Inspector.

§ 2. It shall also be the duty of said coal inspector, to measure carts, wagons and other vehicles used in carrying coal about the city, and to mark in large figures, upon the box of the same, the number of bushels each contains; and any person guilty of altering or forgoing such mark, shall be liable to a fine of not less than five nor more than fifty dollars. His duties.

§ 3. Said inspector shall take an oath for the faithful performance of his duties; and may charge and receive, for any quantity of coal measured at one time, exceeding one hundred bushels, not more than one quarter cent a bushel; for any quantity less than one hundred bushels, one half cent per bushel, and for measuring and marking any cart, wagon or other vehicle as aforesaid, the sum of fifty cents and no more; provided, that nothing in this ordinance contained, shall be construed to affect in any way Take an oath. Fees. Proviso.

the sale of charcoal, or to prevent any person from buying or selling any quantity of stone or mineral coal on the docks, wharves or at any other place in said city, without having been measured by the city inspector.—Passed July 18, 1836.

ELECTIONS.

Regulating Elections in the City of Cleveland.

Sec. 1. Regulating Elections.
2. Each Ward an Election District, and Councilmen judges.
3. At what hours of the day Elections to be holden.
4. Duties of judges of Elections.
5. In absence of Councilmen Mayor to fill vacancy.
6. Poll Books, how to be kept.
7. How Election tickets are to be prepared.
8. How Election returns are to be made.
9. Duty of Council on receiving Election returns.
10 Where Elections to be holden in each Ward.

Elections.

§ 1. Be it ordained, &c. That all elections for mayor, aldermen and councilmen, marshal and treasurer of the city of Cleveland, whether annual or special, shall be holden and conducted as provided in this ordinance.

Councilmen to be judges.

§ 2. Each ward in said city shall constitute an election district. The councilmen in each ward, for the time being, shall be the judges of the election to be holden in the ward in which they are chosen, and they shall have the same powers and authority, except as otherwise provided in this ordinance, as judges of a general state election.

Time.

§ 3. All elections in said city shall be opened by the hour of ten o'clock in the morning and closed at five in the afternoon.

Duty of judges.

§ 4. It shall be the duty of the judges to meet in their several wards respectively, at the place appointed for holding the election therein, at or before the hour specified for opening the same and choose two suitable persons to serve as clerks of such election, who, together with the judges, shall proceed to discharge the duties of their respective appointments, and who shall be entitled to receive one dollar and fifty cents per day each, as a compensation for their services, to be paid out of the city treasury.

Mayor to fill board.

§ 5. If either of the councilmen of any ward shall fail to attend as a judge of any election at the time and place required, then it shall be the duty of the mayor, or in case of his absence, the alderman of such ward, to appoint such suitable person or persons, as may be required having the qualification of an elector, to act as judge or judges, as the case may be of such election.

§ 6. The poll books shall be kept and certified in the same manner, as nearly as may be, as is provided by law for keeping and certifying poll books at the general state elections. Poll books, how kept.

§ 7. The electors shall vote by ballot, each ballot shall be a paper ticket which shall contain the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, and such designation, in case of alderman, shall specify the ward for which such person is voted for as alderman, and in failure thereof, such ballot, so far as alderman is named thereon, shall be rejected, but shall not, for that cause, be invalid in other respects. How ballots are to be prepared.

§ 8. The mode of canvassing votes, after the poll of such election is closed, shall be the same,as near as may be,as prescribed for the canvass at the general state elections. And after canvassing the votes in manner aforesaid, the judges before they disperse shall put the poll books under cover, seal the same and direct them to the mayor of the city "election returns of —— ward of the city of Cleveland," (naming the ward,) and the same so sealed and directed shall be deposited with the city clerk at his office without delay, by one of the judges of each election in person. How returns are to be made.

§ 9. The city council on the next day after the day of holding the election, at four o'clock in the afternoon, shall meet at the council chamber, and open the several returns, and make abstracts of the votes and ascertain and publish the result thereof and enter the same upon the journals, and the city clerk shall therefore forthwith notify in writing the persons elected of their several elections agreeably to law. Duty of Council on receiving returns.

§ 10. The annual election for the year 1837, shall be holden in the several wards of the city at the following places, viz : When and where elections held.

In the first ward, in the basement story of the brick (Baptist) Church, Seneca-street.

In the second ward, in the new brick School-House.

In the third ward, in the brick Academy, St. Clair-Street.—Passed February 8, 1837.

To amend an Ordinance regulating Weights and Measures, passed May 14, 1836.

Fees.

§ 1. Be it ordained, &c., That the City Sealer of Weights and Measurers shall be entitled to the following Fees for the semi-anual inspection and examination of Weights and Measures, Scale Beams, and Steelyards, as provided in the third section of the ordinance to which this is an amendment: For every Scale Beam or Steelyards, six cents; for every Yard, six cents—not to exceed twenty-five cents for any one measure; for every Weight of fourteen pounds or upwards, two cents; for every Weight of smaller denomination, one cent; for every measure of One Gallon or upwards, six cents; for every measure of less than One Gallon, two cents.

Repeal.

§ 2. The fifth section of the ordinance to which this is an amendment, is hereby repealed.—Passed June 27, 1842.

To regulate the Collection of Costs in Suits before the Mayor.

§ 1. It is hereby ordained, &c., That in all cases of Prosecution before the Mayor, for violation of any of the City Ordinances, that the defendant, if found guilty, shall pay the costs of prosecution.—Passed June 27, 1842.

GUNPOWDER.

For establishing and regulating a Powder Magazine, and for the safe keeping of Gunpowder in the city of Cleveland.

SEC. 1. Powder Magazine erected.
2. Quantity of Powder allowed in places other than Magazine.
3. Fees of Keeper of Magazine, by whom paid.
4. Firemen to seize Powder

Powder Magazine.

§ 1. Be it ordained, &c., That the Powder Magazine erected at the corner of Prospect and Clinton streets, on the Cemetery Lot, be, and is hereby created a Powder Magazine for the safe keeping of Gunpowder in this City.

Lawful to keep certain amount.

§ 2. It shall not be lawful for any person to have or keep any quantity of gunpowder, exceeding twenty-eight pounds weight, in any one place, or for any longer time than forty-eight hours, except in said Powder Magazine; which said quantity of twenty-eight pounds shall be separated in tin canisters, neither of which shall contain more than seven pounds, and shall be kept in some suitable place near the front entrance to every store, shop, or building of such vender or keeeper, and labeled Gunpowder, under the penalty of twenty-five dollars for each and every offence.

Penalty.

§ 3. There shall be paid to the keeper of said Magazine twenty-five (25) cents on each keg of powder received, stored, and delivered by him, to be paid by the person for whom it is stored. Fees, by whom paid.

§ 4. If any fireman, during a fire, and in the vicinity thereof, shall discover in a building a greater quantity than twenty-eight pounds of powder not separated and kept as is provided in the second section of this ordinance, it shall be lawful for him to seize, without warrant from the Mayor, and convert the same, as forfeited, to his own use.—Passed July 25, 1842. Lawful for Fire-m'n to seize powder.

Creating the office of Keeper of Powder Magazine and defining his duties.

Sec. 1. Office created, duties defined.

§ 1. Be it ordained, &c., That there be, and is hereby created the office of Keeper of the Powder Magazine in the city of Cleveland; the duty of which office it is hereby ordained to be, to receive and deliver all gunpower that may be stored in said Magazine, under the ordinance establishing and regulating a Powder Magazine in said city: that said Keeper shall at all reasonable hours receive and deliver the same, and shall give the person presenting such powder, a certificate, stating the quantity, and marks on every cask or vessel respectively deposited in said Magazine.—Passed October 31, 1842. Office created. Duties.

To amend an Ordinance for Flagging Side Walks in certain Streets therein named, passed July 13, 1836.

§ 1. Be it ordained, &c., That all side-walks that have been heretofore flagged, in compliance with the above mentioned ordinance, shall be by the owners of the property abounding and abutting on the same, put in good repair, and kept so, until by ordinance otherwise directed. And any person refusing to comply with this amendment within twenty days from and after its passage, shall forfeit and pay, on conviction thereof, a penalty of twenty dollars ($20) for each and every twenty feet of side-walk that shall remain so unrepaired, and the additional penalty of one dollar for each and every day the same shall remain unrepaired after the time limited as aforesaid.—Passed September 19, 1842. Owners of property to repair side walks. Penalty.

To amend an Ordinance entitled an Ordinance to Regulate Streets.

Obstruction of streets.

§ 1. Be it ordained, &c., That no Auctioneer or Auctioneers, or other person or persons, shall offer, or cause to be offered or exposed for sale at vendue on the side walks, or in the streets of this city, any goods, wares, or merchandise, except such goods, wares, or merchandise as by their bulk or nature cannot be sold within doors; nor shall offer any goods, wares, and merchandise, for sale in such manner as to collect on any side-walk in said city, bidders or spectators, or otherwise to obstruct any side-walk, except as before mentioned, under a penalty of five dollars for each offence. —Passed November 28, 1842.

Penalty.

To amend an Ordinance more fully defining the duties of Harbor Master.

Power to remove.

§ 1. Be it ordained, &c., That the Harbor Master shall have power to direct the manner and operation of moving, hauling, and fastening vessels and boats in the Harbor, and any master, officer, or hand, who shall neglect or refuse to immediately obey the orders of the Harbor Master in the premises, shall pay a fine of not less than three, or more than fifteen ($15) dollars.

Penalty for inattention to Harbor Master.

Procure men to move.

§ 2. When necessary to move any vessel or boat that has not a sufficient number of officers and men on board, the Harbor Master shall have power to employ more, at the expense of the master or owners of the same.—Passed May 6, 1843.

For Repairing Wharves in the city of Cleveland.

Owners of real estate to repair wharves.

§ 1. Be it ordained, &c., That every owner of real estate, fronting and abutting on the Cuyahoga river, between Bath and Division streets in said city, shall cause the Wharf or Wharves now erected upon said River to be put in good and substantial repair, to the acceptance of the Committee on Harbors, Wharves, and Public Grounds, on or before the first day of July, A. D. 1843; and any person or persons failing to comply with the provisions of this Section, shall forfeit and pay a penalty not exceeding fifty dollars and costs of prosecution for every week said owner or owners so neglect to comply with the provisions of this section.

Penalty for not complying.

Owners or occupants to keep in repair.

§ 2. That it shall be the duty of the owner or owners, or occupant or occupants of the premises fronting and abutting as aforesaid, at all times hereafter to keep said Wharves

in good repair, and if any of said Wharves shall at any time get out of repair, it shall be the duty of the Harbor Master to notify either the owner or owners, or occupant or occupants of said premises to repair the same forthwith; and every person or persons failing to comply with the provisions of this section, shall forfeit and pay a penalty of not less than two, nor more than ten dollars with costs of prosecution, for every day such owner or owners, occupant or occupants, neglect to comply with the provisions of this section, after having been notified as aforesaid

Harbor Master to enter complaint.

§ 3. That it shall be the duty of the Harbor Master to enter complaint to the Mayor for all violations of this ordinance, and all penalties incurred for the violation of either of the provisions of this ordinance, shall be recoverd in an action of debt before the Mayor, wherein a summons shall be the first process.—Passed May 22, 1843.

COMMON CARRIERS,

Regulating Common Carriers within the city of Cleveland.

SEC. 1. Carriers prohibited without license.
2. Applications for license, how made.
3. Power of city council to grant license.
4. Fees to be paid to the city Treasurer.
5. Applicants to enter bond with security.
6. Licenses numbered and name of owner placed on wagon, &c.
7 City Clerk to keep register.
8. Regulation of fees, and how recovered.
9. Duty of persons licensed by this ordinance.
10. Fine for demanding greater rates than is allowed by law.
11 Penalty for acting without license.
12 Agents, &c.
13. Term of License.
14 Complaints for violation of ordinance.

Carriers prohibited.

§ 1. Be it ordained, &c., That no person shall hereafter be permitted to exercise the business of Carrier within the bounds of the city, or carry or transport goods, merchandise, or other articles therein, without a license from the city council, excepting as is herein excepted.

Applications to be made.

§ 2. That all applications for carrying licenses shall be made to the city council in writing, stating the name and residence of the applicant, and specifying the number and description of the vehicles intended to be used; also the number of horses and other draft animals intended to be employed, together with the name of at least one responsible person to be offered as bondsman.

Council to grant licenses.

§ 3. That if the city council be satisfied that the applicant is a suitable person, they may in their discretion grant such person a carrying license within said city ; and the

license shall specify the number of horses or other draft animals, number and description of vehicles to be used by the person to whom such license may be granted.

Sum to be paid. § 4. Before such license shall be given to the applicant, he shall pay to the city Treasurer, for the use of the city, the sum of two dollars for each Dray, Truck, Cart, Wagon, or other vehicle, and one draft animal, and one dollar for every animal in addition to be used with such vehicle, until the 1st of May.

Bond. § 5. Such applicant shall enter into a bond, with such security as shall have been accepted by the city council, with a penalty not less than one hundred dollars for each animal to be used by such applicant, which bond shall be made payable to the city, and shall be conditioned that the person licensed, and all persons employed by him, will faithfully perform the duties resulting from his appointment; pay all fines for a breach of any of the ordinances of the city relating to the same; pay to any person or persons who may employ his vehicle, any loss or damage done to property delivered to him, his agent, or servant.

Names on Drays. § 6. All licenses shall be numbered, and the number and name of owner shall be placed conspicuously upon all Wagons, Drays, Trucks, Carts, and all porters' vehicles, by the person to whom said license is granted, during the continuance of the same.

City Clerk to keep register. § 7. The city Clerk shall keep a Register, in which all licenses granted shall be registered, specifying to whom said license is granted, and for what purpose, time when, and duration thereof, and shall certify on the face of the same that said license was duly granted and registered in said city Register.

Collect fees. § 8. It shall be lawful for any person licensed by virtue of this ordinance, to demand and receive, and in case of refusal, to sue for, and recover before any court having jurisdiction of the case, the following rates for services, namely:

Rates. For carrying a load not exceeding eight hundred pounds in weight, a distance not exceeding half a mile, twenty-five (25) cents; for a distance over half a mile and within the bounds of the city, twelve and half ($12\frac{1}{2}$) cents in addition; for carrying wood, the same rates for each and every cord; for carrying a single barrel of flour, or single trunk, a distance not exceeding one mile, twelve and a half ($12\frac{1}{2}$)

Proviso. cents: *Provided*, nothing herein contained shall conflict with any special contract which may be made with any carrier licensed by virtue of this ordinance for the transportation of any goods or other property within said city.

Duty of carriers. § 9. It shall be the duty of all persons licensed by virtue of this ordinance, their agents and servants, to have a printed copy of the foregoing rates certified to by the city Clerk,

and to produce the same on demand, as evidence of the correctness of their charges.

§ 10. If any person licensed by virtue of this ordinance, shall ask, demand, take, or extort any greater rate or rates, price or prices, for carrying any goods or other property than are herein before mentioned and established, or shall be guilty of embezzlement or deceit in the execution of his duties, he shall forfeit his license and pay for each and every offence the sum of five dollars. Penalty for demanding unlawful fees.

§ 11. That if any person shall draw for hire or compensation, any loads within the city, without having a license as aforesaid, each and every person so offending shall forfeit and pay, to and for the use of the city, the sum of three dollars and costs of prosecution, for each and every load drawn or carried: *Provided*, that nothing in this ordinance contained shall prevent any person or persons whatsoever from bringing into the city from beyond the limits thereof, and carrying such loads or property to any part of said city; nor to prevent any person or persons from taking any loads or loading in the city and carrying it beyond the limits of the city, nor to prevent any person or persons from keeping any team or teams employed in and about their own business. Penalty for acting without license. Proviso.

§ 12. The possession of a team of any person licensed within the city, shall be *prima facia* evidence that the person having such possession was the agent or servant of the person so licensed. Agents.

§ 13. All licenses granted under this ordinance shall expire on the first day of May of each and every year. Term of license

§ 14. All complaints for the violation of any of the provisions of this ordinace shall be made under oath before the Mayor, who shall thereupon issue his warrant directed to the Marshal, returnable forthwith.—Passed July 19, 1843. Violation of ordinance.

NUISANCES.

To prohibit certain Nuisances.

Sec. 1. Harbor Master to grant permission to land certain articles herein named.

§ 1. Be it ordained, &c., That no person shall, without permission from the Harbor master, unload, or cause to be unloaded, any boat or vessel in such manner as to deposit any wood, lumber, timber, stone, stone coal, brick, sand, or clay, on any of the streets of this city, under a penalty of Wood &c. not to be landed on any streets. Penalty.

twenty dollars for each offence, and a further penalty of five dollars for each and every hour that the wood, lumber, timber, stone, stone coal, brick, sand, or clay, so deposited as aforesaid shall remain on such street.—Passed May 8, 1844.

To amend an Ordinance prohibiting Obstructions in the Cuyahoga River, and regulating Steamboats, Vessels, and other Water Craft navigating the same, and for other purposes.

Stone &c. not to be placed on dock or public grounds

§ 1. Be it ordained, &c., That no person shall load or unload, or cause to be loaded or unloaded, at or on any of the public wharves, docks, or bridges, or public grounds, in this city, abutting on the Cuyahoga river, or place or deposit, or cause to be placed or deposited, on any public wharf, dock, bridge, or public ground, adjoining the Cuyahoga river, any stone, sand, coal, lumber, timber, firewood, goods or chattels, or anything else whatsoever, without permission from the Harbor Master, under a penalty of not more than ten, or less than five dollars for each offence.—Passed September 8, 1843.

Penalty.

STREETS.

For the better Regulation of the Streets.

Sec. 1. Hay to be placed in certain streets.
2. Duty of Weigher of Hay in relation to this ordinance.
3. Wood prohibited in Superior street.
4. Feeding cattle in street
5. Wagons to occupy street.
6. Duty of Street Supervisor and Marshal in relation to this ordinance.

Hay prohibited on Superior st.

§ 1. Be it ordained, &c., That no person shall cause any wagon or other vehicle loaded with hay for sale, to stand upon any of the streets, lanes, or public grounds of this city, except upon Champlain street, and that part of Seneca street which is north of the north line of Superior street, under a penalty of one dollar ($1) for each offence.

Duty of Weigher of Hay.

§ 2. That it shall be the duty of the weigher of hay, to notify all persons having hay weighed at the hay scales, of the foregoing ordinance.

Wood.

§ 3. No person shall cause any wagon or other vehicle loaded with wood for sale, to stand on that part of Superior street which is west of the centre of the Public Square, under a penalty of one dollar ($1) for each offence.

Feeding cattle in Superior street.

§ 4. No person shall feed, or cause to be fed, any horse or other animal, (except with feed placed in a trough or

other tight vessel) upon that part of Superior street which is west of the centre of the Public Square, under a penalty of one dollar ($1) for each offence. Penalty.

§ 5. All wagons or other vehicles loaded with wood or hay for sale, shall, while standing upon any of the streets of this city, occupy the centre of such street in such a position that all such vehicles in any one street shall form a single line; and any person who shall violate this provision, so as to cause any obstruction to the free passage of carriages on each side of such street, shall forfeit and pay one dollar ($1) for each offence. Wagons not to obstruct streets. Penalty.

§ 6. That it shall be the duty of the Street Supervisor and the Marshal to make complaint against all persons violating any of the provisions of this ordinance.—Passed May 8, 1844. Duty of St. Supervisor and city Marshal.

To amend an Ordinance for the better Regulation of Streets.

§ 1. Be it ordained, &c., That so much of the ordinance for the better regulation of streets, passed May 8, 1844, be, and is hereby so amended as to require all wagons and other vehicles loaded with wood, for sale, to stand on Champlain street, west of Seneca street, and on Division street.—Passed April 8, 1845. Repeal.

PUBLIC GROUNDS.

For the Protection of the Public Grounds.

§ 1. Be it ordained, &c., That from and after this date, it shall be unlawful for any person or persons to play at any game of ball, or at any other game or pastime, whereby the grass or grounds of any public place or square shall be de aced or injured; and any person or persons who may be convicted of any of the above offences before the Mayor, shall forfeit and pay to the city any sum not less than five dollars ($5) at the discretion of the Mayor, with costs of prosecution.—Passed March 4, 1845. Games prohibited. Penalty.

OFFENCES.

To provide for the punishment of certain Offences therein named.

§ 1. Be it ordained, &c., That if any person in the city of Cleveland (except such as may be licensed by the court Persons prohibited to brand barrels, &c.

of common pleas of Cuyahoga county, in this State, or by the authority of the common council of said City, as inspectors of any of the articles named in the Act of the Legislature of this State, passed March 31, 1831, and in the Act amendatory thereto,) shall brand, mark, or inscribe, in connection with his name, on any barrel or cask containing any of said articles, the word "Inspector," or the words "City Inspector," or "County Inspector," or any other word or words denoting, or intending to denote such person as acting in an official capacity for the purpose of inspection of any of said articles, or shall directly or indirectly cause, or suffer any such barrel or cask to be so branded, marked, or inscribed, such person shall be deemed guilty of an offence, and any such person so offending, shall on conviction thereof, forfeit and pay a penalty of not less than fifty dollars, ($50) and not more than one hundred dollars ($100) for each offence, one-fourth of which shall be paid to the complainant, and the residue thereof into the city treasury.—Passed April 24, 1845.

Penalty.

ORDINANCES AND AMENDMENTS TO THE

LAWS OF THE CITY OF CLEVELAND,

PUBLISHED BY ORDER OF THE CITY COUNCIL, JUNE, 1851.

STREETS.

To better Regulate Streets.

§ 1. Be it ordained, &c., That no person or persons shall cause any wagon or other vehicle loaded with hay for sale, to stand upon any of the streets, lanes, or public grounds of the city, except upon Michigan street, west of the Market, under a penalty of one dollar for each offence.

§ 2. All ordinances contravening or conflicting with this ordinance, heretofore passed, are hereby repealed.—Passed April 28, 1845.

AMENDMENT.

To Regulate and Station Hay Teams, &c.

§ 1. Be it ordained, &c. That the ordinance passed April 28, 1845, for the better regulation of streets, be so amend-

ed as to strike out the words "upon Michigan street, west of the Market," and insert in its place, upon Michigan street, west of the continuation of the west line of the Alley running from the Public Square to Michigan street.—Passed June 2, 1845.

To connect Division Street with Vineyard Lane, and for the widening of Vineyard Lane.

§ 1. Be it ordained, &c. That Division street be continued at its easterly end to an intersection with Vineyard Lane, the same width as now established—sixty feet (60.) Division-st. continued 60 feet wide.

§ 2. That Vineyard Lane south of the Ohio Canal, be widened as follows, viz: The westerly line of said Lane, as widened north of the Ohio Canal, to be continued until it shall intersect the Huntington line to its intersection with the notherly line of Division street. Vineyard Lane widened

§ 3. That all lands lying between said line, (which will be the westerly line of Vineyard Lane.) and Vineyard Lane proper are hereby declared a part of said Lane.—Passed August 18, 1845.

REGULATIONS AT THE PIER.

To Regulate Carriages, Vessels and Steamboats, at the Pier in front of Bath Street in the City of Cleveland.

§ 1. Be it ordained, &c. That all Carts or vehicles of every description are hereby prohibited from being driven upon or against the stone work of the East Pier at the mouth of the Cuyahoga River. Vehicles, &c. not to be driven on to or against the Pier.

§ 2. That Vehicles of every description, except those exclusively carrying Baggage or other property, are hereby prohibited from being driven upon, and occupying any part of the space of twenty feet in width, between the stone work of said Pier, and the front of lots number one to eight inclusively, or the spaces included in Sioux and Jockosot Alleys, on the tract of land known as Bath street in the city of Cleveland, designated on the plan of said tract, made by Ahaz Merchant, dated February 4, 1845, and on file in the Clerk's office in the city of Cleveland. Carriages,&c. not to be driven on to the Pier.

§ 3. That all Steam-boats, Vessels, or other water craft, are prohibited from being fastened to the Piles driven in front of said East pier as fenders. All Water Craft prohibited from making fast to the Piles in front of East Pier.

§ 4. That for the violation of any of the provisions of the preceding Sections, the drivers or owners of said carts or vehicles, and the Masters of said vessels, steam-boats or Penalty for any violation.

other water craft so offending, shall forfeit and pay a penalty of five dollars for each offence.

Penalty for disobeying Harbor Master.

§ 5. That it shall be the duty of the Harbor Master to regulate the carts, or other vehicles, permitted by this ordinance to drive upon and to occupy the said space of twenty feet in width, and the said alleys, so as to prevent the obstruction of the same, and the refusal of any person having charge of said carts or vehicles to comply with the directions of the Harbor Master, for this purpose, shall forfeit a penalty of five dollars.—Passed March 10, 1846.

FIRE DEPARTMENT.

To amend the Ordinance Establishing Monthly Drills of the Fire Department.

Monthly Drills abolished.

Be it ordained, &c. That so much of the ordinance to amend an ordinance to regulate the Fire Department, passed May 7, 1836, as requires the Chief Engineer to call out the Fire Department once in each month, except in winter, be and the same is hereby repealed.—Passed March 14, 1846.

STREETS.

To Vacate a part of Ontario Street.

Part of Ontario street vacated.

Be it ordained, &c. That the following described parcel of land, being a part of Ontario street, be and the same is hereby vacated, to wit: Beginning at a point where the post stood at the intersection of Ontario street, easterly side, with Huron street, northerly side, it being the south-east corner of original lot (Cleveland) 96, thence north 79° west along the original line of the easterly line of Ontario street 63 feet to the line of lands conveyed by Horace Perry, in his life-time, to the City of Cleveland; thence direct to a stone with a hole in the end, which stone is set in the northerly line of Huron street, 12 feet from the place of beginning; thence north 56° east along said northerly line of Huron street 12 feet to the place of beginning.—Passed March 16, 1846.

FIRE DEPARTMENT.

To abolish the Hose Company, and for other Purposes.

Hose Company abolished.

Be it ordained, &c., That the ordinance "to amend the ordinance Regulating the Fire Department," passed De-

cember 20, 1837, authorizing the Chief Engineer to form a Hose Company, be and the same is hereby repealed, and that the Chief Engineer distribute the Hose belonging to the City as he shall deem expedient among the several Engine Companies.—Passed February 24, 1846.

OFFENCES.

To prevent certain Offences.

Penalty for injuring Gate Posts, &c.

§ 1. Be ordained, &c., That if any person shall wilfully or maliciously destroy, injure, or deface any gate, fence, railing, fence-post, gate-post, or other post, or any portion of any building in this city by cutting, sawing, marking, daubing or otherwise injuring or defacing the same, or in any manner aid or assist in such act, upon conviction thereof before the Mayor, such person shall be fined any sum not less than five dollars, nor more than one hundred dollars at the discretion of the Mayor, for each offence—and parents shall be liable for their children, and guardians for their wards, for any act violating this ordinance.

Penalty for sticking Hand-Bills, &c.

§ 2. And be it further ordained, That it shall be unlawful for any person to paste or otherwise stick upon any post, fence, or portion of any building in this city, any hand-bill, placard, or notice of any Exhibition, or Sale, or cause such act to be done : *Provided*, the words "Stick no bills," or a similar notice be placed conspicuously on or near such post fence, or portion of any building desired to be kept clear. Any violation of this ordinance shall upon conviction thereof before the Mayor, be fined not less than two dollars, nor more than five dollars at the discretion of the Mayor.—Passed April 22, 1846.

STREETS.

To amend an "Ordinance to Regulate Streets."

Wood Awnings, &c. prohibited.

§ 1. Be it ordained, &c., That no person shall hereafter erect or put up, or cause to be erected or put up, any awning, covering, or roof of wood or boards, over any sidewalk in any street in this city—or any porch, stoop, lattice work, or any steps extending into Superior lane or street west of the Public Square, more than three feet, under a penalty of twenty-five dollars, and a further penalty of two dollars for every day such offender shall continue the same

after being notified by the Mayor or Marshal to have the same taken down.

Penalty for erecting Wood Awnings, &c.

§ 2. That all awnings, roofs, or coverings of wood or boards, heretofore erected over any side-walk in any street of this city ; and all porches, stoops, or lattice work extending into Superior street or lane west of the Public Square, and all steps so extending more than three feet shall be removed on or before the first day of October next, by the owner or occupant of the store, dwelling or other building, under a penalty of twenty five dollars, and a further penalty of two dollars for every day the same shall be suffered to remain after that time.

Signs, &c. prohibited on Superior street.

§ 3. No owner or occupant of any store, dwelling house, or other building on Superior street and lane, shall fix, put up, or erect, or cause to be put up any awning over said street, or lane, or side-walk, so made or put up, as to allow or permit any part thereof to hang below the rail or rails used to support the same ; or fix, put up, or suffer to remain fixed or put up any cloth or canvass fastened to any rail extending over the side-walk of said street so as to hang down below said rails or fasten to any awning so as to hang below the rails used to support the same ; and any person violating this Section or any part thereof, shall forfeit and pay a penalty of five dollars, after being notified by the Mayor or Marshal to have the same taken down, for every day he shall neglect to comply therewith.

§ 4. It shall be the duty of the City Marshal to enter complaint before the Mayor for all violations of this ordinance.—Passed June 22, 1846.

STREETS.

To Vacate certain Streets, Lanes, Alleys, &c.

Sub-division of the Walworth Farm, &c.

Be it ordained, &c., That the sub-division and alotment of all that part of the "Walworth Farm," so called, lying between the Ohio canal and the Cuyahoga river, (which said sub-division is recorded on page 615, Book T. of the Records of Cuyahoga county,) together with all the streets, lanes, alleys, &c., laid out and established on the aforesaid portion of said Walworth Farm, by virtue of said recorded sub-division, be and the same are hereby vacated —Passed October 16, 1846.

ALLEYS.

To Establish two Alleys, one to be called Short Alley, the other Barn Alley.

Barn and Short Alley Boundaries.

§ 1. Be it ordained, &c, That an alley named Short Alley, described, (west side) beginning upon the northerly line of Huron street 465½ feet distant easterly from the easterly line of Erie street; thence north 34° west at right angles with Huron street, 106 feet and 8 inches; thence north 10° 10′ west at right angles with Euclid street 106$\frac{8}{12}$ feet to the southerly line thereof (Euclid street,) 16½ feet wide. Also an alley named Barn Alley, described, (the centre thereof,) beginning upon the easterly line of Erie street 165 feet distant from the intersection with the northerly line of Huron street; thence north 56° east parallel with Huron street 189 feet and 9 inches; thence north 67° 55′ east equi-distant between Huron and Euclid streets, 281 feet 8½ inches to the angle of Short Alley 16½ feet wide, be and the same are hereby established public alleys, and shall be ranked among the public alleys of the city of Cleveland.—Passed October 16, 1846.

APPROPRIATIONS OF MONEY.

To Regulate the Appropriations of Money.

Council to Approve all Claims.

Be it ordained, &c., That no claim or demand against the City shall be allowed, nor any money appropriated or paid from the City Treasury, nor shall any liability be contracted in behalf of said City, unless approved by the vote of a majority of all the members of the council concurring, which vote shall be taken by ayes and nays and entered at large on the journal.—Passed March 24, 1847.

WOODEN BUILDINGS.

To prevent the Erection of Wooden Buildings within certain Limits.

Wood Buildings prohibited on Superior street.

Be it ordained, &c., That the provisions of an ordinance entitled "An ordinance to prevent the erection of wooden buildings within the limits therein prescribed," passed May 11, 1836, be and the same are extended to so much of Superior street as lies west of Erie street.—Passed May 5, 1847.

HARBOR MASTER.

To amend "an Ordinance for the Appointment of Harbor Master, and defining his Duties," passed August 11, 1840.

Deputy Harbor Master.

Be it ordained, &c. That there shall be appointed by the City Council a Deputy Harbor Master for the City, whose office shall continue one year, or during the pleasure of the Council, who shall in the absence or inability of the Harbor Master, perform his duties—first taking an oath of office, and giving a similar bond and for the same amount required from the Harbor Master.—Passed May 5, 1847.

NUISANCES.

Erecting Buildings on Public Grounds prohibited.

§ 1. Be ordained, &c., That no person shall erect or place, or caused to be erected or placed, upon any public ground, street, lane or alley of the city, any building or buildings, under the penalty of $50 for each offence ; and the person or persons so offending shall be subject to the further penalty of $20 for each and every twenty-four hours said building or buildings shall remain on said public ground, street, lane or alley, after having had forty-eight hours' previous notice of the Marshal of the city, to remove the same.

Penalty for Occupying.

§ 2. That every person who shall use or occupy any building or buildings situate on any public ground, street, lane or alley, after having received twenty-four hours' previous notice from the Marshal of the city to quit or cease such occupancy, without first obtaining a lease from the city, shall forfeit and pay the sum of ten dollars ($10) for each and every day's use or occupancy, after the expiration of said twenty-four hours' notice.

Penalty for Refusing to Remove.

§ 3. That if the owner or owners of any building or buildings situate, standing or being in whole, or in part, on any public ground, street, lane or alley of the city, shall neglect or refuse to remove the same from such public ground, street, lane or alley, for the period of ten days from the time said owner or owners shall be required in writing by the Marshal of the city to remove the same, shall forfeit and pay a penalty of $20 (twenty dollars) and in addition, shall be liable for the expense of removing said building or buildings.

That all penalties incurred for the violation of either of the provisions of this ordinance, shall be recovered in an action of debt before the Mayor, wherein a summons shall be the first process.—Passed May 19, 1847.

LANES AND STREETS.

To change the names of certain Lanes and Streets.

Be it ordained, That such portion of the highways of the city of Cleveland, as is at present known and designated as "Superior Lane," be, and the same shall hereafter be known and designated as "Superior Street." Superior Street.

Also, That such portion of the highways of the city of Cleveland as is known and designated as "Union Lane," be, and the same shall hereafter be known and designated as "Union Street." Union Street.

Also, That such portion of the highways of the city of Cleveland as is known and designated as "Vineyard Lane," be, and the same shall hereafter be known and designated as "Vineyard Street." Vineyard Street.

Also, That such portions of the highways of the city Cleveland as are known and designated as "St. Clair Lane," and "Federal Street," and such portion of what is commonly called the "St. Clair Road," as lies within the city, be, and the same shall hereafter be known and designated as "St. Clair Street."—Passed July 7, 1847. St. Clair Street.

PUBLIC DOCKS.

To Establish Rates of Charges on the Public Docks and to provide for the Collection of the same.

§ 1. Be it ordained, &c, That all goods or other property hereafter landed from any steam-boat, canal boat, vessel, or other water craft, or unloaded, or deposited, from any dray, cart, wagon, or other vehicle, upon the Public Docks of the city at the foot of the streets, except such as are one hundred feet north of the south line of Bath street, shall be subject and liable to charges as follows: Goods landed are liable to Charges.

On dry goods in boxes or bales, 3 cents per 100 pounds; on groceries, hardware, drugs, medicines, crockery and glassware, 2 cents per 100 pounds; on furniture, 3 cents per barrel bulk; on iron, steel, nails and spikes, 1 cent per one hundred pounds; on grindstones and pig-iron, 12½ cents per one thousand pounds; on staves and headings, 37½ cents per one thousand pieces; on wood, 6¼ cents per cord; on cedar posts, 25 cents per cord; on lumber, 12½ cents per one thousand feet; on lime or sand stone, 25 cents per toise; on plaster, 12½ cents per ton; on sand and brick, 12½ cents per wagon load; on pork, beef and fish, 3 cents per barrel; on salt, 2 cents per barrel; and on all other articles not enumerated, rates of charges proportionate to the Rate of Dockage

foregoing for the first 36 hours, and fifty per cent. on the aforesaid charges for every 24 hours thereafter.

Penalty 50 per cent &c. if landed without permission.

§ 2. That the owner or driver of any cart, dray, wagon, or other vehicle, or the master of any steam boat, vessel or canal boat, or any other person who shall remove any goods or property landed or deposited on the public docks or wharves of the city, without the permission of the Harbor Master, or the Deputpy Harbor Master, shall be held liable and bound to pay the charges established by the first Section of this ordinance, together with fifty per cent. penalty thereon to be recovered in an action of debt before the Mayor.

Harbor Master's per centage.

§ 3. That it be the duty of the Harbor Master, or Deputy Harbor Master, to collect all the charges and penalties imposed by this act, and that he be allowed ten per cent on all the monies so collected where the amount collected exceeds one dollar, and twenty per cent on all sums less than one dollar.—Passed July 10, 1847.

BATH STREET REGULATIONS.

To amend an Ordinance entitled an "Ordinance for the Regulation of Carriages, Vessels and Steam-boats at the River in front of Bath Street in the City of Cleveland," passed March 16, 1846.

Vehicles prohibited from driving on to the Pier, &c.

§ 1. Be it ordained, &c., That all carts, drays, wagons, and vehicles of every description, are hereby prohibited from being driven or backed upon, or occupying any part of the space of twenty feet in width between the stone work of the East Pier at the mouth of the Cuyahoga river, and the front of lots numbered from one to eight inclusive, or the spaces included in Sioux or Jockosot Alleys, on the tract of land known as Bath street in the city of Cleveland, designated on the plan of that tract made by Ahaz Merchant, dated February 4, 1845, and on file in the Clerk's office in the city of Cleveland.

Penalty.

§ 2 That for the violation of any of the provisions of the foregoing Section, the driver or owner of any cart, dray, wagon, or other vehicle, so offending shall forfeit and pay for each and every offence the penalty of five dollars.

§ 3. That so much of the ordinance to which this is an amendment, as is inconsistant with the provisions of this ordinance be, and the same is hereby repealed.—Passed July 17, 1847.

FIRE DEPARTMENT.

To further amend the Ordinances relating to the Fire Department.

Firemen no pay.

§ 1. Be it ordained, &c., That so much and such parts of the Laws and Ordinances of said City, as provide a com-

pensation to members of the Fire Department for attending at parades for the purpose of working and exercising the engines, be, and the same are hereby repealed.—Passed August 31, 1847.

BATH STREET ENCLOSURES.

To prevent the Removal of Enclosures in Bath Street.

§ 1. Be it ordained, &c., That it shall be unlawful for any person or persons to remove, injure in any manner or destroy any post, railing, fence, bars, lock-bars, or any erection which has been or may be hereafter made by order of the City Council, designed for the protection of the pier or other purposes, north of the south line of Bath street. Removal of Enclosures prohibited.

§ 2. Any person or persons violating the provisions of this Ordinance, upon conviction thereof before the Mayor of the city, shall be liable to pay a fine of fifty dollars; one half of the whole shall be paid to the complainant, and the other half into the City Treasury.—Passed September 18, 1847. Penalty.

RECEIPT OF MONEY.

To Regulate the Receipt of Money.

§ 1. Be it ordained, &c., That the Mayor, Clerk, Marshal, Sexton, Weigher of Hay, and all other officers or agents of the City receiving any money on account of the City, shall pay the same to the City Treasurer, on or before the first day of each month, and take from the Treasurer a receipt thereof, and forthwith file the same with the Clerk, and the Clerk shall thereupon charge the Treasurer with the amount thereof, and any officer or agent violating the provisions of this Ordinance, shall forfeit and pay for each offence the sum of twenty dollars.—Passed October 30, 1847. Agents to settle Monthly.

KEEPER OF POWDER MAGAZINE.

To amend an Ordinance establishing and Regulating a Powder Magazine, and creating the office of Keeper, and defining his Duties.

Be it ordained, That it shall be the duty of the Keeper of the Powder Magazine, to keep a record of all the Powder received and delivered at said Magazine; that he be Keeper to give Bonds, and pay 15 per cent, &c.

required to pay to the City Treasurer 15 per cent, of all sums received for storage of Powder, as provided for in the 3d Section of the Ordinance establishing and regulating a Powder Magazine, for the safe keeping of gun powder in the city of Cleveland ; that said keeper shall give bonds with good and sufficient security in the sum of $1,000 for the faithful discharge of his duties.

FLOOD WOOD.

To prevent the Removal of Flood Wood from the Beach of the Lake.

Flood-Wood not to be Removed.

Be it ordained, &c., That it shall be unlawful for any person, except the lawful owner thereof, to cut or remove from the beach of the Lake, within said city, any flood-wood, trees or other timber which may collect or be placed thereon ; and any person violating the provisions of this Ordinance, shall forfeit and pay to the city the sum of $10.—Passed December 18, 1847.

DIVISION STREET.

To Establish a Continuation of Division Street.

Division Street Boundaries.

Be it ordained, &c., That a street being a continuation of Division street, be, and the same is hereby laid in said city, bounded as follows, viz : Beginning at the easterly termination of Division street, and of equal width therewith, thence north 60° east to Vineyard street ; it being a prolongation of Division street as heretofore laid and established ; and the same is hereby established a Public Highway, under the name and title of Division street.—Passed January 3, 1848.

CROSS-WALKS.

To Regulate the Cross-Walks of the City.

Obstructing Cross walks prohibited.

§ 1. Be it ordained, &c , That no person driving or having charge of a cart, wagon, coach or other vehicle, shall stop or stand with said cart, wagon or other vehicle, on any cross-walk within said city, so as to obstruct the passage on the same.

Penalty.

§ 2. That any person or persons violating the provisions of the preceding Section, shall on conviction thereof before the Mayor, be fined in a sum not less than one nor more than five dollars.—Passed February 5, 1848.

OAK AND ERIE ALLEYS.

To lay out and establish Oak and Erie Alleys.

§ 1. Be it ordained, &c., That an Alley to be called Oak Alley, is hereby laid out and established in said city, 16 feet wide, the easterly line of which shall be 142 feet and 3½ inches from the westerly line of Erie street, at its junction with the southerly line of Euclid street, running thence southerly at right angles with Euclid street, until it forms a junction with Prospect street. Oak and Erie Alleys.

§ 2. That an Alley to be called Erie Alley is hereby laid out and established, to commence on said Oak Alley 197 feet, one and a half inches south of south line of Euclid street, and running thence easterly one hundred and twenty-seven feet parallel with Euclid street, from which point said alley shall so run as to intersect Erie street at right angles. —Passed February 5, 1848. Boundaries.

DOGS, &c.

An Ordinance to prohibit Dogs and other animals from running at large in the City of Cleveland.

§ 1. Be it ordained, &c., That whenever in the opinion of the Mayor and any three members of the City Council, the public good or the safety of the citizens requires Dogs, Hogs or other animals to be restrained from running at large, it shall be lawful for the Mayor, on first giving 24 (twenty-four) hours' public notice by proclamation, to cause all animals therein named, and for the period therein specified, to be restrained from running at large in any of the streets, lanes, alleys or commons of said city. To restrain Dogs, &c.

§ 2. That all Dogs found running at large in any of the public places aforesaid, during the time named in said proclamation, shall be shot or otherwise killed by and under the direction of the Marshal of said city. That it shall be lawful for any one at any time to shoot or otherwise kill any dogs or swine running at large in the city exhibiting signs of hydrophobia. Dogs to be shot

§ 3. That if any swine or other animal named in said proclamation, after 24 hours after issuing the same shall be found running at large within any of the streets, lanes, alleys or public grounds of the city, it shall be the duty of the City Marshal to cause such swine or other animal named in said proclamation, to be taken up and impounded in some yard, or other enclosure, and to give notice to the owner of the same when known, and if not redeemed as hereinafter provided, to proceed to sell the same to the highest bidder To be sold in six days.

at the expiration of six days after being so taken up and confined as aforesaid, having first caused the time and place of such sale to be published in handbills for at least twenty-four (24) hours before the sale, one of which shall be post up on the enclosure where such animal or animals are confined, one on the door of the Court House, and one in the Post Office of the City; and the said Marshal shall pay over to the Treasurer of said City the proceeds of such sale, after deducting therefrom the necessary expenses: *Provided*, that the owner or owners of said animals that may be taken up and confined as aforesaid, may redeem the same at any time before the sale, by paying to the Marshal all expenses and charges for so taking up, confining and keeping the same.

Proclamation to be filed.

§ 4. That the Mayor shall file with the City Clerk an attested copy of each and every Proclamation issued under this Ordinance.—Passed February 8, 1848.

STREETS.

To lay out and Establish Summit Street.

Summit Street Boundaries.

Be it ordained, &c. That a street under the name and title of Summit Street, be, and the same is hereby laid out in the city of Cleveland, and bounded as follows: The southerly line of said street commencing at the westerly line of Ontario street, eighteen rods northerly from Lake street: thence westerly parallel with the north line of Lake street to Seneca street, and on a line connecting the aforesaid points. The northerly line of said Summit street to be thirty-three (33) feet from its southerly line, and parallel thereto; and the same is hereby established a public highway, under the name and title of Summit street.—Passed March 18, 1848.

SCHOOLS.

To Establish and Regulate the Public Schools in the City Cleveland.

Wards to constitute School Districts.

§ 1. Each Ward in the City shall constitute one common school district, corresponding in its number with said ward, and the attendance upon the public schools in each district shall be confined to scholars between the ages of six and twenty-one residing therein, except as hereinafter provided that the establishment of a High School, provided that the Board of School Managers may, at their discretion, admit

scholars residing without the city, upon their paying in advance such sum or sums as may be prescribed by said Board, under the Fifty-First Section of the Laws of the State of Ohio, regulating Common Schools ; said Board shall have power to create and define such minor territorial limits for the attendance of primary scholars at the schools within each district as they may deem for the interest of the same.

Committee to procure suitable Buildings.

§ 2. The School Committee shall procure suitable buildings or rooms, and all furniture and apparatus requisite for the accommodation of the schools of said city.

Entitled to instruction for 3 years.

§ 3. That for the better classification and instruction of the more advanced scholars of the Public Schools of the several districts, a central Hight School is hereby established in such location as the Council may direct—the attendance upon which shall be drawn from the more advanced classes of the other public schools, and shall consist of scholars who have attended said schools for at least one term during the year next previous to their admission, who shall be entitled to instruction in said school for six terms and no more, and who shall be admitted under such rules and regulations as the Board of Managers may prescribe.

Board to establish a system of Rules, employ Teaches, &c.

§ 4. It shall be the duty of the Board of Managers to employ teachers and provide fuel for the schools, and to perform all other acts pertaining to their office, as contemplated and provided for by the charter. That said Board shall establish a uniform system of rules for the government of said schools, and for the good conduct of the pupils therein—which rules shall be reported to the Council.

Acting Manager, how appointed, to keep books, procure fixtures, &c. to the amount not to exceed $10.

§ 5. That at each annual election of the School Managers, one of their number shall be appointed and designated as the acting Manager, whose duty it shall be to keep a set of books and open an account with each teacher, and to make an accurate entry therein of all monies paid for the benefit of each district, whether for teaching, rent or other purposes, and said accounts shall be balanced at the end of each year, and he shall procure such repairs, fixtures, furniture and appurtenances as may from time to time be necessary, not involving an amount exceeding the sum of Ten Dollars—for the performance of which duties, said acting Manager shall receive a proper compensation from the city.

School year divided into 3 terms.

§ 6. The school year shall be divided into three terms. The Spring Term shall commence on the second Monday in April, and continue fifteen weeks ; the Fall Term shall commence on the last Monday in August, and continue thirteen weeks ; and the Winter Term shall commence on the first Monday in December, and continue fifteen weeks.

§ 7. All former Ordinances coming within the purview of this Ordinance are hereby repealed.—Passed July 3, 1848.

HAY AND WOOD.

For the better Regulation of Streets.

Hay and wood prohibited in Superior and Water streets.

§ 1. Be it ordained, That no person shall cause any wagon or other vehicle, loaded with hay or wood, to stand upon any part of Superior street or Water street, under a penalty of one dollar for each offence.

§ Be it further ordained, That so much of the Ordinance passed May 8th, 1844, and April 8th, 1845, which requires said wagons or other vehicles to stand upon Champlain and Seneca streets are hereby repealed.

§ 3. It shall be the special duty of the Marshal to cause this Ordinance to be enforced.—Passed October 24, 1848.

STREETS.

To Vacate part of Summit Street.

Part of Summit street vacated.

Be it ordained, That so much of Summit street created by Ordinance passed March 18, 1848, as lies north of a line thirty feet northerly from the south line of said Summit street, as laid by the above cited Ordinance supposed to be three feet, be and the same is hereby vacated.—Passed November 9, 1848.

PONTOON BRIDGE.

To Regulate the Travel on Pontoon Bridge.

Fast driving prohibited.

Be it ordained, &c., That no person or persons shall drive a horse, or horses, or other animals attached to any kind of traveling vehicle, or ride any animal over the Pontoon Bridge over the Cuyahoga River, faster than a walk, nor shall any person or persons drive on to or over said Bridge

Number of animals limited.

more than fifteen horses, or cattle, or mules, or other animals of about the same size, or more than twenty-five hogs, in such a manner as to have more than said number at any one time on said bridge. Any person or persons who shall violate the provisions of this Ordinance, shall upon conviction thereof before the Mayor of the city of Cleveland, be

Penalty.

liable to pay a fine of five dollars ($5.)—Passed February 8, 1849.

ALLEYS.

To Establish York Alley.

Be it ordained, &c., That an Alley shall be laid out and established in the city of Cleveland to be called and known as York Alley, commencing on Ontario street at the north-west corner of Mrs. Sarah C. Hogan's land, thence easterly along the north line of Mrs. Hogan's land to land deeded to the city of Cleveland by James Root, for a street known as the continuation of York street; thence north on land deeded by James Root, as aforesaid, one rod; thence parallel with Mrs. S. C. Hogan's north line to Ontario street; thence southerly on Ontario street one rod to the place of beginning. And that the Ordinance estabiishing "York Alley," passed November 29, 1848, be and the same is hereby repealed.—Passed February 8, 1849. York Alley boundaries.

GAS.

To provide for Lighting the City of Cleveland with Gas.

§ 1. Be it ordained &c., That B. Barker, G. Warren and and associates, successors and assigns, be and they are hereby authorized to use the streets, lanes, alleys and public grounds of said city, for the purpose of laying down in said streets, lanes, alleys, and public grounds, pipes for the conveyance of Gas in and through the said city for the use of said city and its inhabitants—said pipes to be made of cast-iron, or other material equally durable, and in the event said Barker and Warren and their associates shall wish to use pipes made of other materials than cast-iron, before doing so they shall execute to said city a bond to the satisfaction of said council, conditioned that said pipes if made of other material than cast-iron, shall be equally as good and durable as iron, and if not found so, to substitute iron within such time as the council may prescribe: *Provided*, that said gas pipes shall not interfere with the drainage of the city by the necessary construction of sewers or other under-gound fixtures for the conveyance of water within said city, nor the inhabitants thereof shall be liable to damages for the necessary disturbance of said pipes on account of any improvements in the drainage of streets, lanes, alleys, public or private grounds of said city, or in the construction of any public or private work. Streets, lanes, &c. to be used for laying down pipe. Gas pipes not to interfere with the drainage of the City.

§ 2. That whenever said B. Barker and G. Warren and their associates, &c. propose to open any street, lane, alley or public ground for the purpose of laying down gas pipes, Notice to Supervisor must be given 3 days prior to laying down pipes.

they shall give the Street Supervisor three days' notice thereof, and shall not during the progress of the work unnecessarily obstruct the passage of said street, &c., and further, they shall within a reasonable time repair such part of any street, lanes, alley, &c. as they may have broken up in such manner as shall be acceptable to the Street Supervisor of said city.

Price of Gas to the City not to exceed the prices in Buffalo and Cincinnati.

§ 3. That in consideration of the privileges granted to the said B. Barker, G. Warren and their associates, successors and assigns, they shall furnish to said city if required upon the said streets, lanes, alleys, public grounds, in and through which the leading or main pipes may be laid for the purpose of supplying the citizens with gas, such quantity of gas as may be required by the city council for public lamps at a price not exceeding the prices paid either in Cincinnati in this state, or in Buffalo, New York. The lamp posts, metres and lamps being furnished at the expense of the city, and shall charge the inhabitants of said city not to exceed three dollars per thousand feet for gas.

City to lay down pipes in certain cases, to be supplied by Gas Co.

§ 4. That if the city council shall at any time desire to erect lamps at engine houses, or other public buildings, grounds or bridges in said city, and the said B. Barker and G. Warren, their associates, &c., shall refuse for a reasonble compensation to extend the gas pipes as required for such purposes, then the city council shall have the privilege of extending the same, and may provide such number of public lamps for the purposes aforesaid as they may deem necessary, and the lamps thus erected shall be supplied by the said B. Barker and G. Warren and their associates, &c. with gas on the terms prescribed in the third Section of this Ordinance, and said lamps shall be subject to the same regulations as other public gas lamps, and the pipes thus laid down at the expense of the city, shall not directly or indirectly be used, except by consent of the city council for furnishing gas to individual citizens, nor shall other gas pipes be laid down within the portion of streets, lanes, alleys or public grounds occupied by the pipes of the city—until the whole amount expended for laying down the same shall have been refunded by said B. Barker, G. Warren, their associates, successors and assigns.

Apparatus to be completed Dec. 1, 1850.

§ 5. That the privileges hereby granted are upon the condition that said B. Barker and G. Warren, their associates, &c. do, on or before the first day of May, 1850, commence and diligently prosecute the construction of said work and lay two hundred and forty rods of leading pipe by the 1st day of October, 1850, and complete their apparatus for generating gas by the 1st day of December, 1850, any temporary failure on the part of said B. Barker, G. Warren, their associates, &c. to perform any of the con-

ditions exacted of them (except as it regards the original completion of the work) when such failures are occasioned by accident or untoward events, shall not work a forfeiture of their privileges, provided such accidents or events be remedied or repaired within a reasonable time.—Passed March 9, 1849.

STREETS.

To amend an Ordinance for the better Regulation of Streets, passed May 8, 1844.

Wood Carts, where to stand.

§ 1. Be it ordained, &c., That no person shall cause any wagon or other vehicle, loaded with wood for sale, to stand upon any of the streets, lanes, or public prounds of this city, except upon the streets and public grounds at the intersection of Miami, Eagle, Kinsman and Pittsburgh streets, in said city, under a penalty of not less than one nor more than five dollars for each offence.

§ 2. That it shall be the duty of the City Marshal and the Street Supervisor to make complaint against all persons violating the provisions of this Ordinance.

§ 3. That all Ordinances inconsistent herewith, are hereby repealed.—Passed May 8, 1849.

POOR HOUSE.

To levy a Tax for the establishment of a Poor House and Hospital for the City of Cleveland.

Poor House and Hospital Tax.

Be it ordained, &c., That for the purpose of defraying the expenses of the purchase of a lot and the erection of a Poor House and Hospital for said city, there shall be levied and collected, the present year, upon all property subject to taxation in said city a tax of one thousand dollars.—Passed May 31, 1849.

OFFENCES.

For the better Regulation of said City.

Penalty for exposure of person.

Be it ordained, &c. That every person who shall be guilty of an indecent exposures of person in any of the streets, alleys, lanes or public grounds in said city, shall, on conviction thereof, forfeit and pay a penalty of not less than five dollars for each and every such offence, or be imprisoned in the county jail not exceeding ten days, or both, at the discretion of the Mayor.—Passed May 31, 1849.

SHOWS.

To Regulate Shows.

Shows prohibited west of Erie-st.

Be it ordained, &c., That no Circus or Menagerie shall hereafter exhibit in said city within the following limits, viz: Beginning at the south end of the East Pier at the mouth of the Cuyahoga river, thence up said river to the Pontoon Bridge, over the same ; thence easterly in the same direction as Division street to the Cuyahoga river ; thence up said river to a point where a line drawn through the centre of Eagle street would strike the same ; thence from said point in a straight line easterly t. rough the centre of Eagle street to Erie street ; thence down Erie street to Lake Erie ; thence on the southerly shore of Lake Erie to said Pier, the place of beginning, under a penalty of two hundred dollars for each and every exhibition.—Passed June 22, 1849.

Penalty.

To lay out and establish Oneida Alley.

Oneida Alley Boundaries.

§ 1. Be it ordained by the City Council of the City of Cleveland, That an alley to be called Oneida Alley, be and the same is hereby laid out and established in said city twelve feet wide, described (extending from the southerly and westerly line) as follows, to wit : Beginning upon the westerly line of Ontario street 120 feet from the northerly line of Lake street ; thence south 56° 5′ west parallel with Lake street 546 links 5 inches to a point 120 feet easterly from the easterly line of Seneca street ; thence north 34° S. W. parallel with Seneca street to Summit street. The northerly and easterly line of said alley is described as beginning upon the westerly line of Ontario street 132 feet northerly from the northerly line of Lake street ; thence south 56° 5′ west parallel with Lake street 505 links 6 inches ; thence south 75½° west 18½ links ; thence north 53½°, 18½ links to a point 132 feet distant from the westerly line of Seneca street ; thence north 34° west parallel with Seneca street to Summit ; which description makes the alley 12 feet wide, except at the angle, where more room is given to enable loads to turn.—Passed July 3, 1849.

To Plank Side Walks on River Street.

Side Walks required to be planked.

§ 1. Be it ordained by the City Council of the City of Clevelaed, That every owner of real estate fronting on River street shall cause the side walks in front of the same

to be planked with three inch plank, or flaged with stone or brick so as to correspond to the present plank improvement now being made upon River street, by giving the same slope towards the centre, under the direction of the committee on streets; and every person or persons owning real estate as aforesaid, who shall fail to comply with the requirements of this Section within forty days, shall forfeit and pay therefor the penalty of fifty dollars for every twenty feet of side walk that shall remain so unplanked or flaged, and in case any person owning real estate as aforesaid, shall fail to make the side walk as above provided, the same shall be made by the city, under the direction of the committee on streets, and the cost thereof recovered in an action of debt against the owner or owners of such real estate.—Passed July 17, 1849. Penalty.

To prevent the erection of Wooden Buildings within certain limits.

§ 1. Be it ordained by the City Council of the City of Cleveland, That the provisions of an Ordinance entitled "An Ordinance to prevent the erection of wooden buildings within the limits therein prescribed," passed May 11, 1836, be and the same are extended to so much of Euclid street as lies west of Erie street, and also to so much of Prospect as lies west of Erie street.—Passed August 14, 1849. Wooden Buildings prohibited on Euclid and Prospect streets west of Erie.

To establish Cemetery Alley.

Be it ordained by the City Council of the City of Cleveland, That an alley to be known and designated as Cemetery Alley, and bounded as follows, to wit: Beginning in a point in Erie street eighteen feet northerly from the south end of lot No. 145; thence running easterly parallel with the south ends of lots Nos. 145 to 153 inclusive, to Clinton street; thence southerly along said Clinton street to the south line of said lot 153, eighteen feet; thence westerly along the south ends of said lots 153 to 145 inclusive, to Erie street; thence northerly to the place of beginning, be and hereby is established.—Passed August 28, 1849. Cemetery Alley Boundaries.

To prevent the erection of Wooden Buildings within certain limits.

Be it ordained, &c., That the provisions of an Ordinance entitled "An Ordinance to prevent the erection of Wooden Wooden Buildings prohibited on Water street.

Buildings within certain limits therein prescribed," passed May 11, 1836, be and the same are hereby extended to so much of Water street as lies between Superior street and Bath street.—Passed October 23, 1849.

To regulate the Removal of Buildings.

Buildings not to remain in streets.

§ 1. Be it ordained, &c., That it shall not be lawful for any person or persons removing or engaged in removing a building or buildings from one part of the city to another, to allow any such building or buildings to remain in any street, or on any public grounds, in removing the same, to exceed three days, under a penalty of five dollars for each day exceeding the time above specified.

Penalty.

Supervisor to complain.

§ 2. That it shall be the duty of the Street Supervisor to enter complaint to the Mayor for all violations of this Ordinance, and all penalties incurred from the violation of the provisions of the ordinance, shall be recovered in action of debt before the Mayor, wherein summons shall be the first process: *Provided*, the Mayor shall have power to grant leave for any delay that he may deem necessary, not exceeding twenty four hours at one time.—Passed November 27, 1849.

Proviso.

To prevent injury to Gas Lights.

Penalty for injuring Gas Pipes.

§ 1. Be it ordained, &c., That if any person or persons shall wilfully injure or distroy any gas lamps, lamp posts, fixtures, or constructions, connected with the same, belonging to or used by said city, or shall wilfully destroy, injure or remove any fixtures or constructions connected or used with any of the service or main gas pipes in the streets or public grounds of said city, or shall wilfully open, fill up, or injure any stop-cock boxes, or open a communication with street service, or any other pipes in said streets or public grounds by turning cocks or otherwise, shall, upon conviction thereof, forfeit and pay a penalty of not less than five nor more than fifty dollars, for each offence—one fourth of which shall be paid to the complianant, and the residue thereof into the City Treasury, and shall moreover be liable to the party injured to the amount of such injury.—Passed December 18, 1849.

To establish and lay out Long Street.

Long-st. Boundaries.

Be it ordained, &c., That a street is hereby laid out and established in the City of Cleveland, bounded as follows,

viz : Beginning in the westerly line of Seneca street at a point one hundred and fifty feet southerly from Superior street, thence running westerly parallel with Superior street to the northerly line of "Short Street," so called, as laid out by Geo. M. Atwater ; thence along said line as now laid and opened to where it angles westerly to Vineyard street ; thence southerly along said Vineyard street 27 feet 9½ inches ; thence east to the angle in said Short street as now laid, and 40 feet at right angles from the angle, the north line and said Short street ; thence easterly parallel with said north line, and 40 feet therefrom to Seneca street; thence northerly 40 feet to the place of beginning—which street shall be known and designated as Long street.

And be it further ordained, That the expense and costs and damages on account of establishing the said street, together with the expense of improving the same, be provided for by a discriminating tax on the property benefited in accordance with the provisions of the city charter.—Passed March 11, 1850. Tax.

To increase the width of "Orange Alley" in Cleveland, and to alter the name thereof.

§ 1. Be it ordained, &c., That a street or public highway be and is hereby established in the city of Cleveland, to be known and designated as Johnson street, and bounded as follows, viz : Beginning at a point in east line of Water street 6½ feet northerly from the north line of Orange alley as now established, thence easterly parallel with said Orange alley to Bank street ; thence southerly 33 feet along said Bank street to a point six and one-half feet from the south line of Orange Alley ; thence westerly parallel with said Orange alley to Water street ; thence northerly along said Water street 33 feet to the place of beginning—and which ground so bounded shall be known and designated as Johnson street. Johnson street Boundaries.

§ 2. That the amount of damages sustained on account of the establishment of the above street, shall be defrayed by a discriminating tax upon the property benefitted as contemplated by Section 8 and 9 of Charter and amendments thereto.—Passed April 9, 2850.

To establish a Board of Health.

§ 1. Be it enacted by the City Council of the city of Cleveland, That there be and is hereby established a Board of Health for the city of Cleveland, to consist of three mem- Board of Health to consist of 3 members.

Term of service. bers who shall hold their office for one year and until their successors shall be appointed they shall at all times be removable by the City Council, and subject to their direction and control, one of whom shall be designated by the Council as the acting member and chairman, and shall be paid such compensation as the Council shall think proper to allow; and the City Clerk shall be Secretary of said Board and shall keep a journal of their proceedings and an account of all their receipts and expenditures of money; and in case of the death, resignation or removal from the city of either of the members of said Board, the City Council shall fill the vacancy forthwith.

Chairman.

Secretary.

Always removable.

Quorum. § 2 Said Board shall meet at such times and places and as often as they may deem necessary—they may adopt such regulations and bye-laws for their own government as they may deem expedient, not inconsistent with the laws of the State and the charter and ordinances of said city, and any two members of whom shall be a quorum to transact business.

Duties to be executed. § 3. It shall be the duty of said Board to faithfully execute the duties imposed on them by the "act authorizing the City Council of the city of Cleveland to establish a Board of Health" and such others as are now or may be hereafter imposed by the ordinances of said city.

Duties of. § 4. The said Board shall take charge of the Pest House and of any Hospital or Hospitals that may be established by order of the City Council, unless otherwise ordered, shall employ such medical attendance, and nurses, and procure such provisions and other articles at the expense of the city as they shall deem necessary for the comfort and restoration of the persons therein confined.

Powers of. § 5. Said Board shall have the power and are hereby authorized to remove or cause to be removed out of this State any person not a resident thereof supposed to be infected with any malignant, infectious, pestilential or dangerous disease, or to the Pest House or City Hospital as they shall deem expedient, (and may cause any resident of the city infected with any such disease to be removed to the Pest House or Hospital upon the certificate of one or more competent respectable practising Physicians of said city of whom the attending Physician shall be one, that such removal is necessary to prevent the spread of such disease, and can be done without danger to the life of such person,) and may order any furniture, clothing or other property either to be destroyed, removed or disaffected, whenever they shall judge it necessary for the health of the city.

To appoint Agents. § 6. Said Board are hereby authorized to appoint such agent or agents who may at the expense of the city as they may deem necessary, to be reported to the Council at their

first meeting thereafter for approval or rejection, who may enter forthwith upon the premises and into the house of any person or persons within the limits of the city, to ascertain every nuisance which may exist, and examine when apparently necessary, into the condition, and cleanliness and number of persons inhabiting such house, on such premises, and inspect the cellars, vaults, privies and drains of such, and to cause the dispersion and removal of families, persons or person from buildings or apartments so much crowded as to be suspected of being infected or liable to become infected with pestilential or a dangerous disease, and to abate or cause the abatement and removal of all nuisances in such houses, and upon such premises.

Penalty for introducing Small Pox

§ 7. If any person or persons shall hereafter at any time knowingly introduce, or aid or assist in introducing the Small Pox, or any other contagious or infectious disease into this city, every person so offending shall on conviction before the Mayor forfeit and pay for every such offence a sum not exceeding fifty dollars and costs of prosecution, at the discretion of the Mayor.

Shall report monthly.

§ 8. All expenses incurred by said Board in the discharge of their duties shall be reported monthly to the City Council and if approved be paid out of the city Treasury by their order, and said Board shall annually in the month of March make a detailed statement of their operations for the past year, and expenses incurred or caused to be incurred by said Board, and shall also from time to time recommend to the City Council such measures as they shall deem useful to promote the health of said city and prevent the spread of contagious or infectious diseases.

Penalty for resisting, &c.

§ 9. If any person or persons shall molest or resist either of the members of said Board or their duly authorized agents in the discharge of their duties or shall neglect or refuse to obey any order given by said Board under the powers enforced by this ordinace within the time limited in such order, every person so offending shall on conviction before the Mayor forfeit and pay the sum not exceeding twenty dollars and cost of prosecution at the discretion of the Mayor.—Passed April 18, 1850.

To establish a Night-Watch.

City Night-Watch

§ 1. Be it ordained by the City Council of the city of Cleveland, That there shall be and is hereby established, a City Night-Watch, to consist of such number of persons as the city council shall from time to time by resolution determine.

Term of Office. § 2. Said Watchmen shall be appointed by the council, and shall hold their office during the pleasure of the council, and shall keep watch at such places as the committee on Night-Watch may direct.

Oath. § 3. Every Watchman before entering upon the duties of his appointment, shall take and subscribe an oath or affirmation faithfully, honestly, and diligently to execute the duties of a watchman, to the best of his skill and understanding.

Hours. § 4. The watching hours shall be from nine o'clock in the evening until five o'clock in the morning.

Powers of Watchman. § 5. Every watchman while on duty, shall have equal authority with the Marshal to preserve the peace of the city, suppress disorders and make arrests of any and all persons who have committed or are attempting to commit any infraction of the penal ordinances of the city, or violation of the common laws of the State—and may enter any dwelling house or other building where any felon is harbored or secreted, or where persons are, who have during the night and in their presence or hearing committed any breach of the peace, or where any breach of the peace is about to be committed, or where any noise, or alarm, outcry or other disturbance shall be made, in like manner as the Marshal or Constables or other peace officers are authorized by law, and not otherwise, and shall also be liable to be called out to suppress riots, or at fires in the day time, by the Mayor or Marshal or any member of the city council, and are also hereby empowered and required to arrest all vagrants who may be found in any of the streets, lanes or other parts of the city, without good reasons. All persons who may be arrested under this ordinance shall be committed either to the Jail of the County for safe keeping until the next day or carried to the Watch House, as shall be deemed expedient or necessary, and shall as early as practicable on the next day if arrested for a violation of the penal ordinances of the city, be brought before the Mayor who shall exercise the authority vested in him by such ordinance—but if arrested for a breach of the laws of the State, shall be carried before one of the Justices of the Peace of Cleveland Township. And in case of vagrants being brought before the Mayor, he shall on investigation either discharge, reprimand or impose a fine of not over twenty dollars, as the nature of the case may require.

Penalty for resisting, &c. § 6. That if any person or persons shall abuse, resist or obstruct any Watchman in the performance of his duties, the person so offending shall upon conviction thereof before the Mayor, forfeit and pay any sum not exceeding twenty-five dollars and costs of prosecution, at the discretion of the Mayor.

§ 7. Said Watchman shall be allowed such compensation as shall be agreed upon with said committee on Night-Watch, not exceeding one dollar a night.—Passed April 23, 1850. Compensation.

To amend an Ordinance to prevent the erection of Wooden Buildings within certain limits, passed August 14, 1849.

Be it ordained by the City Council of the city of Cleveland, That the provisions of said Ordinance shall hereafter be limited to one hundred feet from Euclid and Prospect streets ; and that so much of any Ordinance as is inconsistent with this Ordinance be, and the same are, hereby repealed.—Passed June 20, 1850. One hundred feet from Euclid and Prospect streets.

To amend the Ordinance to restrain Bathing in the Public Waters of the City, passed July 11, 1838.

§ 1. Be it enacted by the City Council of the city of Cleveland, That if any person of the age of nine years or upwards, shall, between the hours of five o'clock in the morning, and nine o'clock in the evening, bathe in any of the waters of the Canal, Cuyahoga River, or Lake Erie, west of Erie street, within the bounds of the City, every person so offending, shall on conviction before the Mayor, be imprisoned not exceeding twenty days, or forfeit and pay any sum not exceeding Twenty Dollars, at the discretion of the Mayor, to and for the use of the City, to be recovered by action of debt, before the Mayor, as other penalties are recovered. Bathing prohibited.

The first Section of the Ordinance passed July 11, 1838, of which this is an amendment, is hereby repealed.—Passed June 20, 1850.

To amend an Ordinance for the establishment and regulation of schools in the City of Cleveland, passed July 3, 1848.

§ 1. Be it ordained by the City Council of the city of Cleveland, That the third Section of said ordinance be, and the same is so hereby amended that scholars in the Central High School, shall be entitled to instruction therein for three years and no more.—Passed October 10, 1850. Instruction in High School limited to 3 years.

To establish Case Avenue in the City of Cleveland.

Case Avenue Boundaries.

§ 1. Be it ordained by the City Council of the city of Cleveland, That a street or public highway, six rods in width, be and is hereby established in said City, the centre line of which is described as follows, viz: Beginning at a point at low water mark on the shore of Lake Erie, three rods westerly at right angles from the easterly line of ten acre lot, No. 153, thence on said lot No. 153 south 32° east, (counting from the true meridian) parallel with the east line of said lot to St. Clair street, and across the same; thence on ten acre lot No. 121 and parallel with the east line of it, and three rods at right angles distant from it to the south line of said lot; thence south 8° east on ten acre lot No. 94, parallel with the east line of said lot and three rods from it to Euclid street; thence continuing the same course across Euclid street to the north line of ten acre lot No. 69 and three rods distant from the north-east corner thereof; thence south 9° east to the intersection of the corners of ten acre lots Nos. 69, 70, 45 and 46; thence south 16° west on the line between ten acre lots Nos. 45 and 46; thence on the same course, on line between lots Nos. 20 and 21 the distance of fourteen chains and forty-eight links (14 ch, 48 lks) to the easterly edge of a wild cherry tree; thence south 4° west three chains and seventy-nine links (3 ch., 79 lks) to a white oak tree; thence south 14½° west one chain and eighty-six links (1 ch., 86 lks) to a post set in the south line of Cleveland ten acre lots. Said street shall be three rods wide on each side of the above described line, and shall be known and designated as Case Avenue.

§ 2. The expense accruing on account of damages caused by laying out and establishing said street shall be defrayed by a discriminating tax upon the property benefitted thereby, as contemplated by Sections 8 and 9 of the City Charter and the amendments thereto.—Passed November 12, 1850.

To establish Cedar Street in the City of Cleveland.

Cedar Street Boundaries.

§ 1. Be it ordained by the City Council of the city of Cleveland, That a street be and is hereby established in the city of Cleveland, sixty-six feet in width, the centre line of which is described as follows, viz: Beginning at a stone set at the intersection of the centre of Hudson street with the centre of Cedar street, as located by J. H. Gorham in his subdivision of ten acre lot No. 61, which point is 817 9-12 feet distant southerly from the stone set for the centre of

Prospect and Huron streets ; thence south, 82° west, parallel with Prospect street to Perry street ; which street, hereby established, shall be known and designated as Cedar street.

§ 2. The expense accruing on account of damages caused by laying out and establishing said Cedar street, shall be defrayed by a discriminating tax on the property benefited, in manner as contemplated by Sections 8 and 9 of the City Charter, and the amendments thereto.—Passed December 10, 1850.

To alter and widen Vineyard Street, and extend West Street.

§ 1. Be it ordained by the City Council of the city of Cleveland, That Vineyard street as laid out by A. Spafford, from the Ohio Canal to the southern line of Division street extended, be and is hereby widened by adding thereto on the west side a strip of land twelve feet wide, the westerly line to be parallel with the west line of said street as run by said Spafford and twelve feet distant therefrom, making said street 46 38-100 feet wide. Vineyard Street widened on west line 12 feet.

§ 2. That from the points of intersection of the easterly and westerly lines of Vineyard street so widened, with the southerly line of Division street extended, said Vineyard street be continued at right angles with said Division street to the centre of the Cuyahoga River, and so much of said Vineyard street as run by said Spafford as lies west of the said street as hereby established is hereby vacated. Part vacated.

§ 3. That West street be continued easterly in a straight line, and fifty feet wide from the easterly termination thereof to Vineyard street. West Street continued

§ 4. That the damages caused by widening, altering, and extending said streets be paid by a discriminating tax to be levied on the property benefited in accordance with the 8th and 9th Sections of the City Charter and amendments thereto.—Passed November 12, 1850.

For flaging Side Walks.

§ 1. Be it ordained by the City Council, That every person owning real estate fronting on Prospect street between Ontario street and Erie street, and every person owning real estate fronting on Euclid street between the Public Square and Erie street, and every person owning real estate fronting on Superior street between the Public Square and Erie street, and every person owning real estate fronting on Lake Cert'n sidewalks to be paved.

street between Water street and Wood street, and every person owning real estate fronting on St. Clair street between Water street and Wood street, and every person owning real estate fronting on Ontario street between Lake street and the Public Square, and every person owning real estate fronting on Seneca street between Lake and St. Clair street, and every person owning real estate fronting on Bank street between Lake street and St. Clair street, shall cause the side walks in front of the same to be flagged six feet wide in the centre of said walk, with stone or brick, under the direction of the Committee on Streets, and in conformity with the law regulating side walks on or before the first day of August, 1851.

Penalty $50 for every 20 feet.

§ 2. That every person owning real estate fronting on the streets which surround the Public Square, and every person owning real estate fronting on Ontario street on the east side between the Public Square and Huron street and on the west side between the Public Square and the north line of lot 209, and every person owning real estate fronting on Seneca street between St. Clair and Champlain street, and every person owning real estate fronting on Bank street between St. Clair street and Superior street, and every person owning real estate fronting on Water street between St. Clair street and Lake street, shall cause the side walks in front of the same to be flagged the full width, with stone or brick, under the direction of the Committee on Streets, and in conformity with the law regulating side walks on or before the first day of August, 1851. And every person owning real estate as aforesaid who shall fail to comply with the requirements of this Ordinance within the time therein specified, shall forfeit and pay therefor the penalty of fifty dollars for every twenty feet of side walk that shall remain unflagged, and in case any person shall fail to make the side walk as above provided, the same shall be made by the City, under the direction of the Committee on Streets, and the cost therefor recovered in an action of debt against the owner, owners or occupants of such real estate.—Passed January 7, 1851.

To establish Pine Street.

Pine st. boundaries.

§ 1. Be it ordained by the City Council of the city of Cleveland, That a street or public highway, sixty feet wide, be and is hereby established in said city, and described as follows : Beginning at a stone set by Mr. Shier at the southeasterly end of Clinton street, and running thence southerly to Kinsman street, so as to intercept Kinsman street

at right angles, the westerly line of said street, to be parallel with the line above described, and 33 feet distant therefrom, and the easterly line of said street to be parallel with the line first described, and 27 feet distant therefrom, and that said street be called Pine street.

§ 2. That the damages caused by the laying out and establishing said street, be paid by a discriminating tax upon the property benefited thereby, as contemplated by Sections 8 and 9 of the City Charter and the amendments thereto.—Passed January 7, 1851.

To establish Willson Avenue in the City of Cleveland.

Willson Avenue boundaries.

§ 1. Be it ordained by the City Council of the City of Cleveland, That a street or public highway fifty feet in width, be and the same is hereby established in said city, and which street is described as follows :—Beginning on the northerly line of Kinsman street, and running thence northerly to the southerly line of Superior street, continued, the east line of which street shall be on the west line of the township of Newburgh and East Cleveland, and the west line of said street shall be fifty feet distant and westerly of the east line thereof. Said street shall be known and designated as Willson Avenue.

§ 2. The expense accruing on account of damages caused by the laying out and establishing said street, shall be defrayed by a discriminating tax upon the property benefited thereby, as contemplated by Sections 8 and 9 of the City Charter and the amendments thereto

§ 3. This ordinance to take effect from and after the laying out by the county, a similar fifty feet adjoining and parallel with the above street, and east thereby making the whole street one hundred feet wide.—Passed Feb. 4, 1851.

To lay out and establish Scovill street in the City of Cleveland.

Scovill st. boundaries.

§ 1. Be it ordained by the City Council of the city of Cleveland, That a street or public highway, eighty feet in width be and the same is hereby established in said city, which street is described as follows : The southerly line of said street commencing at a point in the centre of Perry street, eight hundred and ninety-seven feet and three inches northerly from the north line of Kinsman street ; running thence south 77° 6 min. east to the city line, and the northerly line of said street shall be eighty feet from and northerly of said

southerly line. Said street shall be known and designated as Scovill street.

§ 2. The expenses caused on account of damages caused by the laying out and establishing of said street shall be defrayed by a discriminating tax upon the property benefited thereby, as contemplated by Section 8 and 9 of the City Charter and amendments thereto.—Passed March 25, 1851.

To lay out and establish Vine street in the City of Cleveland.

Vine st. boundaries.

§ 1. Be it ordained by the City Council of the city of Cleveland, That a street or public highway 66 feet wide, be and the same is hereby established in said City, which street is described as follows : The westerly line of said street to commence at a point in the centre of Kinsman street, two hundred and twenty feet and six inches easterly of the east line of Pine street as established ; thence running northerly, parallel with and equal distance from said Pine street to Scovill street. The easterly line of said street to be sixty-six feet easterly and parallel with said westerly line. The street to be known and designated as Vine street.

§ 2. The expenses accruing on account of damages caused by the laying out and establishing said street shall be defrayed by a discriminating tax upon the property benefited thereby, as contemplated by Section 8 and 9 of the City Charter and the amendments thereto.—Passed March 25, 1851.

To change the Wards in the City of Cleveland.

Boundaries of 1st Ward.

§ 1. Be it ordained by the City Council of the city of Cleveland, That the First Ward of said City shall comprise all the territories lying within the following boundaries, to wit : Beginning at a point in the middle of the Cuyahoga River at its intersection with the centre of Superior street, thence along the centre of said street to the east side of the public square ; thence along the east side of said square to the centre of Euclid street ; thence along the centre of Euclid street to the centre of Erie of street ; thence along the centre of Erie street to the centre of Kinsman street at its intersection with Cross street ; thence along the centre of Cross and First streets to the centre of Second street ; thence along the centre of said Second street to the northerly line of original ten acre lot No. (2) two ; thence along said north line to the middle of the Cuyahoga River ;

thence along the middle of said River to the place of beginning.

§ 2. The Second Ward shall comprise all the territory of the city lying east of the centre of Seneca street and the public square, and north of Superior and Euclid streets. 2d Ward.

§ 3. The Third Ward shall comprise all the territory of said city lying north of the centre of Superior street and west of the centre of Seneca street. 3d Ward.

§ 4. The Fourth Ward shall comprise all the territory of the city lying south of Euclid street and road, and east of the easterly line of the First Ward. 4th Ward.

§ 5. That all ordinances conflicting herewith be, and the same are, hereby repealed.

§ 6. This Ordinance to take effect from and after the fifth day of April, one thousand eight hundred and fifty one.—Passed March 26, 1851.

To establish Lake street from Erie street to the easterly line of two acre lots No. 190, and other purposes.

§ 1. Be it ordained by the City Council of the city of Cleveland, That Lake street as laid out in the original plat of the city of Cleveland by Amos Spafford, continued in a straight line from Erie street to the easterly line of two acre lots, No. 190, be and is hereby laid out and established six rods wide, to be known by the name of Lake-st. as heretofore. Lake st. established 6 rods in width to easterly line of 2 acre lots No. 190.

§ 2. That so much of said street between Erie street and the ten acre lots as heretofore laid out, lying southerly of the south line of said street, as above established, be, and the same is, hereby vacated. Part vacated.

§ 3. That 3d Alley, so called, in Levi Johnson's sub-division of two acre lots, Nos. 178 to 190 inclusive, be, and the same is hereby vacated—Passed April 15, 1851.

To provide for the grading and improving Champlain-st. between Seneca and Vineyard streets.

Be it ordained by the City Council of the City of Cleveland, That that part of Champlain street lying between Seneca and Vineyard streets, be graded and improved according to the plan submitted to the Council by Ahaz Merchant, and now on file in the Clerk's office of said City Council, and that the expense thereof together with the damages sustained thereby, and costs be defrayed by a discriminating tax to be levied upon the land and ground bounded on and abutting said part of Champlain street or Champlain st. to be graded.

near thereto, according to the 9th section of the Charter of said City, and the act amendatory thereto—Passed April 19th, 1851.

To provide for the punishment of a certain offence therein named.

Penalty for resisting city Marshal &c.

§ 1. Be it ordained by the City Council of the city of Cleveland, That if any person shall resist the Marshal, or either of his Deputies in the discharge of the duties imposed by any Ordinance of the city, every person so offending, on conviction thereof before the Mayor, shall, for every such offence, forfeit and pay any sum not exceeding one hundred nor less than ten dollars, with costs of suit.—Passed May 20th, 1851.

To amend an Ordinance prohibiting Runners, passed August 18, 1841.

Soliciting pas'engers prohibited at R. R. Depots.

Be it ordained by the City Council of the city of Cleveland, That "an Ordinance to prohibit runners from soliciting passengers, &c. &c.," passed August 18th, 1841, be and the same is hereby amended so as to include within its provisions all lands and buildings within the corporate limits of the city of Cleveland, which are, or shall be occupied by any Rail Road Company, for the purposes of a Depot, Warehouse, Storehouse, or for other purposes: Provided that such lands or buildings other than such as are used or occupied as a Warehouse, Storehouse or Depot, are such places as passengers go to when leaving said city, on the cars belonging to such Rail Road Company, or leave such cars when they arrive in said city.—Passed June 3, 1851.

To amend an Ordinance to restrain bathing in the public waters of the city—passed August 18, 1831.

Bathing prohibited.

§ 1. Be it ordained by the City Council of the city of Cleveland, That the provisions of said "ordinance prohibiting bathing in the public waters of the city, within the limits therein prescribed," passed July 11, 1838, be and the same are hereby extended to all that portion of said city lying west of the line of ten acre lot No. 139.—Passed June 3, 1851.

To change the name of Bath street in the City of Cleveland.

Front street.

Be it ordained by the City Council of the city of Cleveland, That the name of Bath street be, and the same is hereby changed to Front street.—Passed June 3, 1851.

An Ordinance Establishing and Regulating Markets in the City of Cleveland.

Michigan Market House, &c.

§ 1. Be it ordained by the City Council of the city of Cleveland, That all public Markets in said city for the sale of meats by less quantity than the quarter, shall be held in the Market House in Michigan street, and such other places as the Council shall, from time to time license or establish, and shall conform to the provisions of this Ordinance.

Day stalls.

§ 2. The committee hereinafter provided for, shall yearly designate and set apart four stalls in said Market House, to be rented by the day for the sale of meat by the quarter or in less quantities, and the residue of said stalls shall yearly, on or before the 20th of April, be appraised by the committee on markets, (which appraisal shall be sanctioned by the council) for the current year, which shall commence on the first Monday of May; on which said Monday, the Market Clerk shall, after having given at least ten days notice in some newspaper in general circulation in the city, proceed to offer them for sale at public auction for one year from said Monday. No stall shall be sold at less than its appraisal, but bids shall be received for the choice of stalls over the appraisal, and the highest bidder shall be entitled to choice of unsold stalls, until all are sold or the demand supplied; and the stalls thus sold shall be used for the sale of meats generally, under such regulations and restrictions as may from time to time be established; provided that no person or firm shall bid off or occupy more than two stalls until the demand is supplied.

Stalls appraised and sold.

Stall leases—how to be paid.

§ 3. All stalls sold under the provision of the foregoing section shall be paid for as follows, at least one half in hand and the residue in notes, with at least one responsible surety, and having not more than six months to run from the day of sale; and at the first meeting of the council after each yearly sale the market Clerk shall report the number of stalls, the person to whom and the prices for which sold, and shall accompany his report with the city Treasurer's receipt for the money and notes, the proceeds of such sale.

Unsold stalls remain in charge of Market Clerk.

§ 4. All stalls not sold on the annual day of sale, or if sold, remaining unsettled for, (according to the provisions of the foregoing section) for twenty-four hours after said day of sale, shall remain in charge of the market clerk, who shall, at any time thereafter, on application, lease the same, for the unexpired portion of the year, at a price not less in proportion to time than the appraisal; and until said stalls are so disposed of, he shall rent them, and the reserved stalls, by the day, as follows; for each quarter of beef, ten cents; for each hog, or part thereof, calf, or part

thereof, ten cents; for each sheep, lamb, or part thereof, five cents; for the sale of vegetables and provisions, other than butcher's meat, at not more than fifty cents, nor less than twenty-five cents per day; provided that the price of stalls shall, for the day, be uniform.

No meats to be sold except at Markets.

§ 5. No person shall, at any time of the day, sell within the city, other fresh meat than wild game, fresh fish, feet, ears, snout and spare ribs and tender loins of hogs by packers, by less quantity than the quarter, unless at a stall rented by him or her at the market for that purpose, or at such place as he or she may be licensed by the council so to do: and every application for a license to sell meat at retail, shall specify the exact place where it is proposed to sell, and it shall not be lawful for any person so obtaining license to sell meat by virtue thereof, at any other than the place specified in such application; and any person violating any of the provisions of this section, shall forfeit and pay a sum not less than one, nor more than five dollars, for each and every offence.

Stalls to be kept clean.

§ 6 Every lessee or occupier of any stall in the public market, or any other place licensed by the council, shall keep the same in a clean, sweet and healthy state, under the direction of the market clerk, and shall keep the floor of the market, opposite his stall to the centre of the market, swept and clean, under the penalty of five dollars.

No slaughtering in the city.

§ 7. It shall not be lawful for any person to slaughter within the limits of the city, any beeves, sheep, calves or swine for the purpose of vending or packing, unless licensed by the council so to do, under a penalty of five dollars for each and every offence.

Penalty for selling without license.

§ 8. Every person leasing a stall or stalls in the market house by the year, for the sale of butcher's meat, and every person obtaining a permit from the council to vend the same at a place other than the public market, shall, before he shall be permitted so sell, obtain from the Mayor a certificate or license, which shall set forth the holders name the place where he is authorized to sell, the price of the stall or permit, as the case may be, and the time for which he may sell, (which shall always expire on the first Monday of May following,) and for each license or certificate so granted by the Mayor, he shall charge and receive for the use of the city, one dollar; and any person offending against the provisions of this section, shall forfeit five dollars for each and every day he so offends.

Stalls to be supplied with good meat.

§ 9. Every licensed butcher shall furnish his stall in the market house with a plentiful supply of good meat, and if he shall neglect to do so for six days successively, without permission from the Mayor for the purpose, his

license may be recalled and vacated at the discretion of the council.

Market House hours.

§ 10. The market house shall be open every day in the week for the sale of meats, except Sundays, from sunrise to half past 12 P. M., and on Saturdays until 9 o'clock, P. M.

Ontario st. Market.

§ 11. The west side of Ontario street, from the Public Square to Howe street, and east side from the Square to High street, except forty feet from Prospect street, north, shall be, and is hereby declared to be, a public market, for the sale of fresh fish, poultry, eggs, butter, lard, fruit, vegetables of every kind, and meat by the quantity, not less than the quarter; and also all such other places, yards or enclosures, as shall be hereafter designated by the Council, and every Tuesday, Thursday and Saturday, from daylight in the morning, to 12 o'clock, M., from April 1st to Nov. 1st; and from daylight to half past 12 P. M., from Nov. 1st to April 1st, shall be market days for that purpose.

Market days and hours.

Meats and vegetables not to be sold before 12 o'clock.

§ 12. It shall not be lawful for any person or persons to sell, or offer to sell, (except licensed hucksters, as hereinafter provided,) or to entice, persuade, or advise any person to sell or offer to sell, at any other place or time than the public market, on market days and during market hours, any fresh meat by the quarter, or less quantity, (except fresh fish, wild game, and parts of hogs, as provided in the fifth section of this ordinance,) but fresh butter, when contracted for the season may, be delivered to consumers from time to time, provided the quantity contracted for is not less than contemplated in this ordinance; nor any other provisions or other articles of marketing, except by the quantity, to wit: butter or lard by the keg or barrel; cheese, not less than 100 lbs; eggs by the barrel; poultry, not less than 100 lbs; potatoes not less than ten bushels, and vegetables of any other kind not less than two bushels; apples not less than five bushels, and other fruit not less than one bushel, except peaches, plumbs, cherries, apricots and berries, which may be sold at the market during the whole day. And any person violating any of the provisions of this section, shall forfeit and pay a sum not less than five, nor more than twenty dollars, for each and every offence; provided that it shall be lawful for any person or persons, at the close of the market, to sell any marketing they may have on hand (except fresh meat in any quantity less than the quarter) in any part of the city, and in quantities to suit the purchasers.

Forestalling prohibited.

§ 13. No person shall either directly or by his agent or servant, forestall or monopolize by purchase or barter, for

the purpose of selling again, any article offered for sale in the market, under a penalty of five dollars for each offence.

Calves less than 4 weeks old prohibited.

§ 14. No person shall sell, or offer to sell in this city, any calf less than four weeks old, or any part thereof, or any other unwholesome, stale, emaciated, blown, stuffed, tainted, putrid, or measly meat, poultry, or other article of marketing, under a penalty of five dollars for each offence; and if any such meat, provisions, or vegetables, or other articles offered fer sale in the market, shall be deemed by the market clerk to be unwholesome, or unfit for use, he shall order the owner or owners thereof to remove the same forthwith from the market, and if the owner or owners shall neglect or refuse to comply with such order, he or they shall forfeit and pay a sum not less than five, nor more than twenty-five dollars.

Sale of stale meat prohibited.

Meat to be jointed.

§ 15. No mutton, lamb, or other butcher's meat shall be offered for sale in the public market, or other licensed place of vending meats, before the leg, below the knee joint, shall have been removed, nor between the first of May and the first of November, any untried fat, the undressed heads of any animals, any hides or skins in a raw state, under a penalty of not more than five nor less than one dollar for each offence.

Market Wagons under the direction of the Market Clerk.

§ 16. All market wagons, carts, or other vehicles shall be under the direction of the Market Clerk, and shall be placed along said street, so as to back up to the side walk, and in such manner that the passages on the side walks, of the several streets, and to and from the market house shall not be obstructed, and any person owning or having charge of a vehicle, refusing to obey the orders of said Clerk, shall forfeit and pay a fine of not less than one or more than five dollars.

Weights &c., to be sealed.

§ 17. All weights and measures used in and about the public market, shall conform to the standard of the State; and any person or persons who shall sell any commodity by weight and measure, in and about said Market, or other licensed place of marketing, which shall fall short of such standard, shall forfeit and pay a sum not less than one nor more than five dollars for each offence; and it is hereby made the duty of the Market Clerk to supply the Market with the necessary standard weights and measures, at the expense of the city.

Butchers' apparel.

§ 18. No person shall cut up, handle or sell, in the public market, or any other licensed place of vending, any butcher's meat, unless he or she shall be cleanly clad, nor be guilty of any indecent or disorderly conduct, playing at games, using profane or obscene language in or about said markets, nor shall any butcher or other person permit his or her slut or bitch, or dangerous or offensive dog or other

animal to be in or about said market during market hours, under a penalty of five dollars for each offence.

Hucksters to be licensed.

§ 19. All persons following the business of selling poultry, eggs, butter, lard, fruit or vegetables of any description, by retail, at any other place than the public markets, shall be denominated a Huckster; and the Mayor may license any such person, a resident of the State, to vend and sell at retail, at any time of the day, such articles of marketing from shops, wagons, carts, or other vehicles, within the limits of the city, upon the payment at the rate of not less than ten or more than thirty dollars per annum for each and every shop, wagon, cart or other vehicle to be used for that purpose, but no license shall be granted for a less term than three months; and if any person so licensed shall sell, or offer to sell, any such articles of marketing by retail from any other shop, wagon, cart, or other vehicle than the one specified in such license, he or they shall forfeit and pay a sum not less than five nor more than twenty-five dollars for every offence.

Appointment of Market Clerks.

§ 20. There shall be, yearly, on or before the first day of May appointed by the City Council, one or more Market Clerks, who shall perform the duties from time to time imposed upon them by ordinance or otherwise, shall hold their respective offices until their successors are appointed and qualified, or during the pleasure of the City Council, shall give bond in such sum and with such security for the faithful discharge of their duties, previous to entering thereupon as shall be acceptable to the Council, and shall receive such compensation for their services as the Council shall from time to time allow.

Powers of Market Clerk.

§ 21. The Market Clerk shall have the general superintendence of the Market House and its appurtenances. It shall be his duty to attend to the opening and closing thereof, to cause the same to be cleaned and repaired when necessary, to announce the close of the vegetable market, to direct the stationing of all market wagons, carts or other vehicles, to collect all dues, prosecute all defaulters, settle all disputes arising from deviations in weights or measures, contested occupancy of stalls, or other causes, and especially to take care that the provisions of this ordinance and all others relating to markets are duly observed and the penalties enforced; and he shall moreover cause at least five or more printed copies of this ordinance, and of any amendments to the same, to be kept conspicuously posted up in different parts of the public Market, and any person who shall destroy or take down any of said copies shall forfeit and pay a penalty of five dollars. He shall also issue by-laws for the better regulation of the Market, which after being sanctioned by the Council shall have all the force and

validity of an ordinance. Any person who shall obstruct or resist the Market Clerk in any of his duties, shall forfeit and pay a fine not less than two or more than ten dollars for each offence.

Clerk to keep books.

§ 22. The Market Clerk shall keep a book or books in which shall be correctly entered all his doings, and which shall at all times be open to the inspection of the Mayor, or any member of the City Council, and shall settle at least once a month with the city Treasurer and pay over to him all moneys and securities in his hands and deposit with the city Clerk his receipt therefor.

To be enforced July 1, 1851.

§ 23. This ordinance shall take effect on the first day of July next, and all ordinances relating to Markets and Market Clerks now in force are hereby repealed, saving and reserving to all parties, all rights, privileges and immunities growing out of the same.

To extend to the late city limits.

§ 24. This ordinance shall extend only over all the territory comprised within the late city limits, previous to the annexation of the ten acre lots.—Passed June 3, 1851.

An Ordinance to restrain Hogs and Swine within the City of Cleveland.

Hogs prohibited from running at large.

§ 1. Be it ordained by the City Council of the city of Cleveland, That it shall be unlawful for the owner or owners of any hog, hogs or swine, to suffer such hog, hogs or swine, to run at large within the streets, lanes, alleys, public or common grounds of said city, and if any owner or owners of any such hog, hogs or swine, shall suffer such hog, hogs or swine to run at large, contrary to the provisions of this Ordinance, upon conviction thereof, or complaint filed before the Mayor, he or they shall forfeit and pay a fine of not less than one dollar, nor more than ten dollars, with costs of prosecution.

Penalty.

Impounding and sale.

§ 2. That if any such hog, hogs or swine shall be found running at large within the limits of said city, contrary to the provisions of the foregoing section, it shall be the duty of the City Marshal to cause the same to be taken up and impounded, and after three days' notice as hereinafter provided, sold to the highest bidder ; provided, that any person owning any such hog, hogs or swine, so taken up and impounded, may, at any time before the same shall be actually sold, redeem the same on application to said Marshal, and the payment of all costs and expenses created by such taking up, impounding and giving notice, as hereinafter provided.

Resistin' Marshal

§ 3. That if any person or persons, shall resist the Marshal or person or persons by him employed in taking up or

impounding any hog, hogs or swine, under the provisions of this ordinance, or shall break open or into any place where the same shall have been impounded, or shall let out any hog, hogs or swine after the same shall have been impounded, every person so offending, on conviction thereof, upon complaint filed before the Mayor, shall be fined in any sum not less than one dollar, nor more than ten dollars. Penalty.

§ 4. That when any such hog, hogs or swine shall be taken up and impounded as aforesaid, it shall be the duty of the city Marshal to cause the same to be advertised by printed notices to be put up in at least three public and conspicuous places within said city, which said notice shall specify a time not less than three days from the day of the putting up thereof, and a place of sale of the same; a true copy of which said notice shall be served on the owner or owners of such hog, hogs or swine, if known to the said Marshal, in the same manner that writs of summons are required by law to be served. Notice to be served on owner.

§ 5. It shall be the duty of the city Marshal to keep a record of all hogs or swine taken up under the provisions of this ordinance, the names of the owner or owners thereof, when known, and the final disposition of the same, whether sold or redeemed, the costs incurred in taking up, impounding and selling, and the price at which sold; and after defraying all necessary expenses and costs incurred in the taking up, impounding, keeping, advertising, and selling of the same, to pay the balance of the moneys arising from such impounding and selling, to the treasurer of said city. Marshal to keep record.

§ 6. That the city Marshal shall be entitled to charge and receive the same fees for mileage and the service of copy upon the owner or owners of any hogs or swine, as aforesaid, which are legally chargeable for the serving of a writ of summons; and for other services rendered in carrying into effect the provisions of this ordinance, he shall be entitled to charge and receive such compensation as the city council may from time to time fix or allow. And the said Marshal shall make return of all moneys received by him, and by this ordinance made payable to the city Treasurer, on Monday of each consecutive week. This ordinance shall take effect and be in force from and after the tenth day of August, 1851.—Passed July 22, 1851. Marshal's fees. Marshal to pay over all moneys.

An Ordinance providing rules and regulations for the City Cemetery and punishing violations of the same.

Be it ordained by the City Council of the city of Cleveland, That the following rules and regulations for

the government of the city Cemetery be and the same are hereby made the law of the city for the government of said Cemetery; and that any person or persons who shall violate any one of the said rules, on conviction thereof on complaint before the Mayor, shall be fined in any sum not less than one dollar nor more than five dollars.

Penalty.

This ordinance shall take effect and be in force from and after its passage.

1st. The gate of the cemetery shall be opened from sunrise until sunset of each day; and not longer unless for burial purposes.

2d. On Sundays the gates of the cemetery will be closed, except to persons on foot, and vehicles actually in attendance at funerals.

3d. No vehicle shall be driven faster than a walk within the cemetery gates.

4th. No smoking shall be allowed within the cemetery gates; no obscene language, no loud nor profane conversations, shall be permitted within the cemetery.

5th. All persons are forbidden to pick flowers or to break any tree or shrub within the cemetery walls.

6th. No horse or horses shall be left unattended by a driver while within the gates; nor shall any person while in a state of intoxication be permitted to drive within the gates; nor shall any person be permitted to remain in the cemetery after having been ordered by the Sexton to leave, such person being in a state of intoxication.

7th. All persons are forbidden to write upon, cut, bruise, break, discolor, or otherwise deface or injure any stone, monument, fence or other structure within the cemetery.

8th. All persons are forbidden to discharge any firearms within the cemetery except at military funerals.

9th. Children will not be permitted within the cemetery unless accompanied by parents, guardians or friends.

10th. All persons are forbid sitting, walking or otherwise occupying any private lot within the cemetery.—Passed July 22, 1851.

To prohibit and punish defacing or obliterating Inspectors' brand.

Penalty.

§ 1. Be it ordained by the City Council of the city of Cleveland, That if any person shall purposely obliterate or deface any brand or mark placed upon any barrel, half barrel, hogshead, tierce, kit, or other vessel containing beef, pork, fish, or other substance, or thing whatever which shall have been inspected by any legally authorised Inspector within the city of Cleveland and which said brand or mark

shall have been placed on the same by such Inspector, every such person shall be deemed guilty of an offence, and upon conviction thereof on complaint filed before the Mayor, shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

§ 2. That if any person, other than authorised Inspectors shall alter or change, purposely, any brand or mark of any authorised city Inspector within the city of Cleveland, which shall have been placed upon any barrel, half barrel, hogshead, tierce, kit, or other vessel which shall contain beef, pork, fish, tallow, or other substance or thing whatsoever by such Inspector, with intent to prevent said brand or mark from being known as the brand or mark of such Inspector; or with the intent that the number, quality or other distinguishing mark of such beef, pork, fish, tallow or other substance or thing whatsoever shall appear to be other or different from such original brand did indicate, every such person shall be deemed guilty of an offence, and upon conviction thereof, on complaint filed before the Mayor, shall be fined in any sum not less than one hundred nor exceeding five hundred dollars. This Ordinance to take effect from and after its passage.—Passed July 22, 1851.

To amend an ordinance to lay out and establish Vine street.—Passed March 25, 1851.

§ 1. Be it ordained by the city Council of the city of Cleveland, That the easterly line of said street, as laid out and established by said ordinance, be and the same is hereby made the centre line of said street, and equal distance from the east and west lines of said street hereby established. Said street to be 66 feet wide, and the easterly line thereof 66 feet easterly and parallel with the westerly line.

§ 2. That 33 feet, or so much of said street as was established by said ordinance, lying westerly of the westerly line of said street hereby established, be and the same is hereby vacated.—Passed July 1, 1851.

Providing for the submission of the question of the Union of Cleveland and Ohio Cities to the qualified voters of said city of Cleveland.

§ 1. Be it ordained by the city Council of the city of Cleveland, That the question of the annexation of the city of Ohio and part of the Scrantom Farm (so-called) to the city of Cleveland, according to the provisions of an act entitled, "An Act uniting Cleveland and Ohio Cities, passed by the General Assembly of the state of Ohio, March 25th,

Union of Cleveland and Ohio Cities.

1851," shall be submitted to the qualified voters of said city of Cleveland, on the second Tuesday of October, 1851.

Election held.

§ 2. That such election shall be holden on the day last aforesaid, at the following places to wit: For the First Ward at the Court House therein; for the Second Ward in the Brick School House on Rockwell Street, therein; for the Third Ward at the Brick School House on St. Clair street, therein; and for the Fourth Ward at the Wood School House, on Columbus street, therein; and shall be conducted in all respects in accordance with the laws now in force and applicable to elections in said city of Cleveland.

Union, No prevailed.

§ 3. That the Clerk of said city shall provide a separate ballot box for each of said Wards, in which shall be deposited the ballots of said voters voting on such question, and also two poll lists for each of said Wards, on which shall be entered the names of such voters in each of said Wards respectively.

§ 4. That it is hereby made the duty of the City Clerk to cause this ordinance and the time and places of holding such election to be published in all the daily papers published in said cities of Cleveland and Ohio, for the period of twenty days prior to said second Tuesday of October, 1851.

This ordinance to take effect from and after its passage. —Passed August 19, 1851.

To establish Summit Alley.

Summit Alley continued.

§ 1. Be it ordained by the city Council of the city of Cleveland, That an alley shall be laid out and established in the city of Cleveland, to be called and known as Summit Alley, to be a continuation of an Alley commencing on Erie street, one hundred and fourteen feet north of the northerly line of Lake street, running westerly parallel with Lake street, through original lots Nos. 24, 23, and 22. The said alley to be continued through original lot No. 21, to Bond street, on the present lines of said alley.

§ 2. The expenses accruing on account of damages caused by the laying out and establishing said alley, shall be defrayed by a discriminating tax upon the property benefited thereby, as contemplated by Sections 8 and 9 of the city Charter, and the amendments thereto.—Passed August 19, 1851.

For the better regulation of the Fire Department.

§ 1. Be it ordained by the city Council of the city of Cleveland, That on and after the first Tuesday of Septem-

ber next, the number of persons to be enrolled as members of fire companies No. one, three, five and six, shall be reduced from sixty to forty men each; and the number enrolled as members of company No. four, shall be reduced from one hundred and twenty to sixty men. Each company shall be entitled to forty voters at every election of officers, and all new companies hereafter enrolled as members of the fire department of said city, shall consist of forty members each, unless otherwise ordained by the city Council.

Companies to consist of 40 members.

§ 2. That for the purpose of enrolling the several companies to pay all expenses of personal equipment, to keep the engines, hose, and other appurtenances of the fire department in good working order, to furnish the engine houses with suitable furniture, (except stoves) and to pay for fuel, lights and other incidental expenses—the city Council shall allow to each company the sum of seven dollars per annum for each member doing duty, the payment of which sum shall be made quarterly from the general fund, by the city Council, upon the certificate of the foreman of each company, certified by the Chief Engineer, certifying the number of active efficient men, entitled to the same during the preceding quarter, provided that it shall be the duty of the committee on fire and water, to have the engines and hose painted and repaired when necessary, at the expense of the city, the bills of which shall be paid upon their report that the work has been done agreeable to their contract.

$7 per annum allowed to each member.

§ 3. It shall be the duty of the Chief Engineer or one of the assistant Engineers to be present at the roll call of every monthly meeting, and report the number of members present, to the city Council at their next annual meeting.

Monthly meetings.

Chief Engineer to be present.

§ 4. All laws and ordinances conflicting with this ordinance are hereby repealed.—Passed August 19, 1851.

To amend an Ordinance entitled "An Ordinance for the better regulation of the Fire Department," passed August 19, 1851.

§ 1. Be it ordained by the city Council of the city of Cleveland, That the ordinance entitled "An Ordinance for the better regulation of the Fire Department," be and the same is hereby amended so as to allow to the several companies composing the said Fire Department of said city of Cleveland, the sum of eight dollars per man for each active member of each and every company composing the said department, not exceeding the number allowed each of said companies by the said ordinance to which this is an amendment.—Passed September 23, 1851.

$8 per annum allowed each active member.

To prevent the erection of Wooden Buildings on River and Merwin streets.

Wooden buildings not to be erected within 150 feet of Merwin and River streets.

§ 1. Be it ordained by the city Council of the city of Cleveland, That no person or persons shall erect or place any building or part of building upon, or within one hundred and fifty feet of River street, between Front street and Superior Streeet; and also within one hundred and fifty feet of Merwin street, between Superior street and French street, unless such building or part of building, he constructed of brick or stone, with parting walls rising at least ten inches above the roof.

§ 2. If any building or part of building not constructed of stone or brick as aforesaid shall be erected or placed within the limits aforesaid, (except as hereinafter provided,) the owner or owners, builder or builders thereof, shall severally forfeit and pay, for each and every such offence, the penalty of one hundred dollars and the further penalty of fifty dollars for each and every week any building or part of building so prohibited as aforesaid, shall be continued within said prescribed limits.

§ 3. This ordinance to take effect from and after its passage.—Passed October 7, 1851.

To amend an Ordinance to prevent the erection of Wooden Buildings on River and Merwin streets.

Hosletter permitted to erect and complete his sash factory.

Whereas, previous to the passage of the ordinance entitled "An Ordinance to prevent the erection of wooden buildings on River and Merwin streets, one Charles D. Hosletter had made contracts for the erection of a wooden building on Merwin street, extending to the Cuyahoga River, and for the establishment of a sash factory and planing machine in the same, constructed in a safe and secure manner, therefore

Be it ordained by the city Council of the city of Cleveland, That the said Charles D. Hosletter be and he is hereby exempted from the operation of the ordinance to which this is an amendment, so far as the erection and completion of the said sash factory, and building for such planing machine is concerned, and that the said ordinance to which this is an amendment shall in no wise effect the said Hosletter in the erection of the building aforesaid.—Passed October 21, 1851.

To regulate the speed of Locomotives and Trains of Cars within the city of Cleveland, and for other purposes.

§ 1. Be it ordained by the City Council of the City of Cleveland, That if any railroad company, or any contract-

ors, or any person or persons in their employ, shall run their locomotives or trains at a greater speed than five miles per hour within the limits of said city, such railroad company shall, for such offence, upon conviction thereof before the Mayor, forfeit and pay a sum not less than fifty, nor more than two hundred and fifty dollars, with costs of prosecution.

§ 2. That if any railroad company shall neglect to have a bell on their locomotives, and shall neglect to keep the same ringing while running within the limits of said city, such railroad company shall for every such offence, upon conviction thereof before the Mayor, forfeit and pay the sum of twenty-five dollars, with costs of prosecution.

§ 3. That if any railroad company of its conductors, or any other person or persons in their employ shall permit any of its locomotives or trains of cars to stand upon any street, lane, or alley of said city, except at the intersection of Front and River streets, where there shall at all times be left a space of thirty feet or more between the cars, such rail road company shall for every such offence, upon conviction thereof before the Mayor, forfeit and pay the sum of ten dollars with costs of prosecution.

§ 4. That if any railroad company, or their conductors, engineers or any other person in their employ, shall blow their engine whistle, while running within the limits of the city, except as a signal to brakemen, said railroad company shall, for every such offence, upon conviction thereof before the Mayor, forfeit and pay the sum of ten dollars, with costs of prosecution.

§ 5. That it is hereby made the duty of each and every railroad company running cars or locomotives within the limits of said city, to place at crossings of all streets (within thirty days from the passage of this ordinance) conspicuous painted signs, calling attention to the passing of cars and locomotives while the bell is ringing, and every railroad company which shall fail to comply with this section, shall upon conviction thereof before the Mayor, forfeit and pay the sum of ten dollars, with costs of prosecution for each and every day they neglect to comply with this section.

§ 6. That all penalties incurred for the violation of either of the provisions of this ordinance, shall be recovered in an action of debt before the Mayor, at whose option a summons may be the first process. It shall be the duty of the marshal and his deputies to see the above ordinance enforced.—Passed November 12, 1851.

CATALOGUE

OF THE

GOVERNMENT

OF THE

CITY OF CLEVELAND,

IN

CHRONOLOGICAL ORDER OF THEIR SERVICE,

FROM ITS

Institution, April 15th, 1836, to April 8th, 1851.

1836.

Mayor—JOHN W. WILLEY.

President of the Council—SHERLOCK J. ANDREWS.

Aldermen—Richard Hilliard, Joshua Mills, Nicholas Dockstader.

Councilmen—1st Ward—Morris Hepburn, John R. St. John, William V. Craw. 2d Ward—Sherlock J. Andrews, Henry L. Noble, Edward Baldwin. 3d Ward—Aaron T. Stickland, Horace Canfield, Archibald M. C. Smith.

1837.

Mayor—JOHN W. WILLEY.

President of the Council—JOSHUA MILLS.

Aldermen—Joshua Mills, Nicholas Dockstader, Jonathan Williams.

Councilmen—1st Ward—George B. Merwin, Horace Canfield, Alfred Hall. 2d Ward—Edward Baldwin, Samuel Cook, Henry L. Noble. 3d Ward—Samuel Starkweather, Joseph K. Miller, Thomas Colahan.

1838.

Mayor—JOSHUA MILLS.

President of the Council—NICHOLAS DOCKSTADER.

Aldermen—Nicholas Dockstader, Alfred Hall, Benjamin Harrington.

Councilmen—1st Ward—George C. Dodge, Moses A. Eldridge, Herrick Childs. 2d Ward—Benjamin Andrews, Leonard Case, Henry Blair. 3d Ward—Melancton Barnett, Thomas Colahan, Tom. Lemen.

1839.

Mayor—JOSHUA MILLS.

President of the Council—JOHN A. FOOT.

Aldermen—Harvey Rice, Edward Baldwin, Richard Hilliard.

Councilmen—1st Ward—George Mendenhall, Timothy P. Spencer, Moses Ross. 2d Ward—John A. Foot, Charles M. Giddings, Jefferson Thomas. 3d Ward—Thomas Bolton, Tom. Lemen, John A. Vincent.

1840.

Mayor—NICHOLAS DOCKSTADER.

President of the Council—WILLIAM MILFORD.

Aldermen—William Milford, William Lemen, Josiah A. Harris.

Councilmen—1st Ward—Ashbell W. Walworth, David Hersh, John Barr. 2d Ward—David Allen, John A. Foot, Thomas M. Kelley. 3d Ward—Stephen Clary, Charles Bradburn, John A. Vincent.

1841.

Mayor—JOHN W. ALLEN.

President of the Council—THOMAS BOLTON.

Aldermen—William Milford, Thomas Bolton, Newton E. Crittenden.

Councilmen—1st Ward—Nelson Hayward, Herrick Childs, George B. Tibbets. 2d Ward—Moses Kelley, W. J. Warner, M. C. Younglove. 3d Ward—Philo Scovill, Benj. Harrington, M. M. Spangler.

1842.

Mayor—JOSHUA MILLS.

President of the Council—BENJAMIN HARRINGTON.

Aldermen—Nelson Hayward, William Smyth, Benjamin Harrington.

Councilmen—1st Ward—William D. Nott, Robert Bailey, Henry Morgan. 2d Ward—George Mendenhall, George Wetherell, Jefferson Thomas. 3d Ward—William T. Goodwin, George Kirk, Levi Johnson.

1843.

Mayor—NELSON HAYWARD.

President of the Council—GEORGE A. BENEDICT.

Aldermen—William D. Nott, Samuel Cook, Samuel Starkweather.

Councilmen—1st Ward—Robert Bailey, John B. Wigman, James Church, Jr. 2d Ward—Stephen Clary, Elanson H. Lacy, Geo. A. Benedict. 3d Ward—William T. Goodwin, John Wills, Alex. S. Cramer.

1844.

Mayor—SAMUEL STARKWEATHER.

President of the Council—MELANCTON BARNETT.

Aldermen—Leander M. Hubby, Stephen Clary, Wm. T. Goodwin.

Councilmen—1st Ward—Thomas Mell, J. F. Marshall, E. St. John Bemis. 2d Ward—Charles Stetson, Jacob Lowman, John Outhwaite. 3d Ward—Wm. F. Allen, M. Barnett, John F. Warner.

1845.

Mayor—SAMUEL STARKWEATHER.

President of the Council—FLAVEL W. BINGHAM.

Aldermen—Charles W. Heard, Geo. Witherell, L. O. Matthews,

Councilmen—1st Ward—F. W. Bingham, Peter Call, Samuel Ives. 2d Ward—James Gardner, E. G. Williams, David L. Wood. 3d Ward—Arthur Hughes, J. A. Wheeler, Orville Gurley.

1846.

Mayor—GEORGE HOADLEY.

President of the Council—LEANDER M. HUBBY.

Aldermen—Leander M. Hubby, John H. Gorham, Josiah A. Harris.

Councilmen—1st Ward—E. St. John Bemis, John F. Chamberlain, John Gill. 2d Ward—William Case, William Bingham, John A. Wheeler. 3d Ward—William K. Adams, Marshall Carson, Eliakim L. Lyon.

1847.

Mayor—JOSIAH A. HARRIS.

President of the Council—FLAVEL W. BINGHAM.

Aldermen—Flavel W. Bingham, William Case, Pierre A. Mathivet.

Councilmen—1st Ward—David Clark Doan, Henry Everett, John Gill, 2d Ward—John Erwin, Charles Hickox, Henry B. Payne. 3d Ward—Alexander Seymour, Alexander S. Cramer, Orville Gurley.

1848.

Mayor—LORENZO A. KELSEY.

President of the Council—FLAVEL W. BINGHAM.

Aldermen—Flavel W. Bingham, William Case, Alexander Seymour.

Councilmen—1st Ward—Richard Norton, John Gill, Charles M. Read 2d Ward—Henry B. Payne, Leander M. Hubby, Thomas C. Floyd. 3d Ward—Samuel Starkweather, Robert Parks, William J. Gordon.

1849.

Mayor—FLAVEL W. BINGHAM.

President of the Council—WILLIAM CASE.

Aldermen—William Case, Alexander Seymour, John Gill.

Councilmen—1st Ward—David W. Cross, Richard Norton, Henry Everett. 2d Ward—Alexander McIntosh, John G. Mack, James Calyer. 3d Ward—Arthur Hughes, Abner C. Brownell, Christopher Mollen.

1850.

Mayor—WILLIAM CASE.

President of the Council—ALEXANDER SEYMOUR.

Aldermen—Alexander Seymour, John Gill, Leander M. Hubby.

Councilmen—1st Ward—William Given, George Whitelaw, Buckley Stedman. 2d Ward—Alexander McIntosh, William Bingham, Samuel Williamson. 3d Ward—Arthur Hughes, Abner C. Brownell, Levi Johnson.

1851.

Mayor—WILLIAM CASE.

President of the Council—JOHN GILL.

Aldermen—John Gill, Leander M. Hubby, Abner C. Brownell, Buckley Stedman.

Councilmen—1st Ward—Jabez W. Fitch, George Whitelaw. 2d Ward—Alexander McIntosh, Thomas C. Floyd. 3d Ward—Stoughton Bliss, M. M. Spangler. 4th Ward—M. S. Castle, James B. Wilbur.

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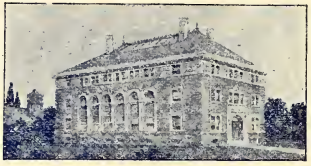

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